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**Note verbale dated 4 November 2016 from the Permanent Mission of South Sudan to the United Nations addressed to the President of the Security Council**

The Permanent Mission of the Republic of South Sudan to the United Nations presents its compliments to the President of the Security Council and has the honour to forward the official report of the Investigation Committee on the Terrain Hotel incident of 11 July 2016 (see annex).

The Permanent Mission of the Republic of South Sudan kindly seeks your assistance in having the present note verbale and its annex circulated among the members of the Security Council as a document of the Council.

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# Annex to the note verbale dated 4 November 2016 from the Permanent Mission of South Sudan to the United Nations addressed to the President of the Security Council

## Official report of the Investigation Committee on the Terrain Hotel incident of 11 July 2016

## Foreword

The nature of offences committed at Terrain Hotel against foreign aid workers and other foreign and local residents on 11 July 2016 are a reminder of the terrible consequences of the July fighting. What occurred at Terrain, particularly to the victims of rape, was inexcusable and deserves condemnation. I personally would not have been able to understand the feelings and distress caused to these victims if it were not for my appointment to lead this investigation. Through this investigation I and my colleagues were made to understand the physical and mental pain caused to the victims of this unfortunate incident. The Committee was also aware of the untold suffering caused to other victims of the fighting that occurred from 8 to 11 July 2016. While investigating these serious allegations, the Committee was mindful of its mandate to establish the facts of what took place at Terrain in the afternoon and evening hours of 11 July 2016. The Committee was able to gather enough information regarding the incident, and this enabled it to determine the circumstances and the nature of the offences committed at Terrain by the perpetrators. The Committee's work was facilitated by the commitment of His Excellency General Salva Kiir Mayardit, President of the Republic, who personally directed the Committee to ensure that the investigation was comprehensive, transparent and independent. The President was also throughout clear that the perpetrators of the Terrain incident must take responsibility for their individual and collective acts. The Committee also had challenges associated with the investigation. One of the challenges that confronted the investigation was how to obtain statements from foreigners who were witnesses or victims of the Terrain incident. Many of the foreigners who were victims of the incident had either departed the country, were not traceable or were not willing to speak to the Committee. It was a painstaking exercise for my investigators to trace the victims of rape, given their reluctance to testify because of the confidentiality and stigma associated with the victims of these kind of offences. Having concluded this investigation, it is the Committee's hope that this report would provide most if not all of the answers pertaining to the Terrain incident. We are, however, mindful that this report is not an end in itself, but a good reference for pursuing further criminal investigation and prosecution against suspects. It is our strong conviction that the findings and recommendations contained in this report would lead to accountability by those linked to the Terrain incident. There is no doubt that the victims of the Terrain incident would only find consolation or comfort if those who perpetrated these terrible crimes were held to account. It was a great honour for me and other members of my Committee to undertake this noble and challenging task. This Committee has tried its level best within the limited period and resources to determine the facts pertaining to the Terrain incident. It is my hope that the findings and recommendations contained in this report would be given the attention they deserve by the leadership and all the relevant institutions.

## Acknowledgements

This investigation would have not been possible without the contribution of so many people and institutions. The success of this investigation is attributed to the professionalism, patience and commitment of the members of the Investigation Committee. We applaud the leadership provided by the Chairperson of this Investigation Committee and for his tireless efforts in putting together this report and producing it in a professional format. We commend the Terrain management, in particular Ms. Ann Cavell, for their cooperation throughout the course of this investigation and for providing valuable information regarding the incident. The team of investigators, under the leadership of Dr. Samson Taban, Senior Legal Counsel in the Ministry of Justice, deserves appreciation for recording statements from witnesses, victims and suspects. The witnesses and victims who appeared before the investigation or e-mailed their witness statements must be applauded for providing enough information to enable this Committee reach sound conclusions and findings. Our gratitude goes to the Sudan People's Liberation Army (SPLA) Tiger Command, in particular Colonel Matur Dhuruai and Major General Marial Chanoung, for facilitating the appearance of suspects. We also express gratitude to the SPLA Military Intelligence, national security and police for their cooperation with the Investigation Committee. Our thanks go to the Office of the President for financing this investigation. Above all, the victims of the Terrain incident must be commended for their patience during the course of this investigation.

(*Signed*) James **Biel Ruot**
Lieutenant General
Deputy Chairperson of the Investigation Committee

## Executive summary

(1) On 11 July 2016, a dozen of armed men, numbering between 50 and 100 broke into Terrain Hotel, where they reportedly committed acts of murder, rape, destruction and looting of property, including other unlawful acts. The number persons at Terrain at the time of the incident were about 30 foreign aid workers and other 45 civilians, most of whom were employees of Terrain. The incident occurred at around 3.30 p.m. and continued for almost five hours before the residents got rescued by government forces and a private security company.

(2) Terrain Hotel is located on Juba-Yei road, less than a kilometre from the United Nations Mission in South Sudan (UNMISS) main compound at Jebel. The compound contains a number of semi-permanent structures built inside a small forest opposite the Juba-Yei road. The area was the scene of heavy fighting between government soldiers and forces aligned with former First Vice-President Dr. Riek Machar on 10 and 11 July 2016.

(3) During the investigation, the Committee interviewed over 60 witnesses, victims and suspects of the Terrain incident and has obtained valuable information that has enabled it to reach its findings and conclusions.

(4) On the allegation of murder, the Committee found sufficient evidence to conclude that John Gatluak, a South Sudanese journalist who was working for an international non-governmental organization called Internews, was killed at the Terrain Hotel compound on 11 July 2016. The Committee was shown the spot where he was killed. The Committee also received credible and consistent evidence from witnesses who described the manner of his killing.

(5) The Committee found sufficient evidence to conclude that rapes took place against the aid workers and other women residing at Terrain Hotel. Witness statements on this matter have been consistent enough to enable the Committee make this finding.

(6) The Committee received sufficient evidence in regard to the stealing of vehicles and looting of property and goods at Terrain. The Committee's visit to Terrain Hotel compound enabled it to obtain first-hand information regarding the extent of property damage and looting that took place at the Hotel. Some of the vehicles stolen or robbed from the hotel have been apprehended, and most of them returned to the management of Terrain. Those caught with the vehicles have been arrested and are awaiting trial.

(7) The Committee, during its visit to Terrain, found that not a single structure on the compound was left untouched. All 96 rooms seen by the Committee were damaged, some of them beyond repair, while others need significant investment to return them to working order. Alongside the looting, widespread vandalism was observed. The Committee found during its visit to Terrain that dining facilities, beds, desks, wardrobes, ovens, fridges, televisions etc., were all either stolen or looted. Terrain also lost construction materials ranging from electrical cables to vehicle spare parts.

(8) Although the Committee was not able to establish any specific case in relation to torture, it found that acts of bodily injury, harassment and intimidation did take place.

(9) The Investigation Committee has secured the recovery of 13 vehicles stolen from Terrain and the detention of suspects implicated in the theft. There are ongoing efforts by the relevant authorities to recover the other vehicles still at large.

(10) The Committee has made progress in identifying persons implicated in the rape of the aid workers. Some of the suspects have been apprehended and detained. In order not to prejudice future legal proceedings and in the interest of justice and fairness, the names of the suspects would be kept confidential.

(11) The report, which comprises over 140 pages, has been produced in two parts. A summary report containing over 40 pages would be made public, while the other part, of 90 pages containing witness statements, would be kept confidential. However, the entire report would be made available to the Special Court, prosecutors and legal representatives.

(12) The Committee has made recommendations including the formation of a Special Court to try suspects who committed offences at Terrain during the July 2016 incident. The Special Court would be assisted by a team of prosecutors to undertake criminal investigations and prosecutions.

# Part one
# Introduction

## 1.1 Background to the investigation

(1) On 8 July 2016, fighting erupted at J1[1] between SPLA (Government) soldiers and forces aligned to former First Vice-President Dr. Riek Machar Teny. At the time of fighting the President, First Vice-President and Vice-President were discussing issues pertaining to the implementation of the Agreement on the Resolution of the Conflict in the Republic of South Sudan.

(2) In the morning of 10 July 2016, Riek's forces reportedly advanced from their base in Jebel on Yei Juba road towards Juba city, and heavy fighting took place between the two forces. The fighting continued with intensity from 10 to 11 July 2016, when Riek's forces were defeated.

(3) On 11 July 2016, a group of armed men reportedly broke into Terrain Services Ltd. compound, on Yei road, where they reportedly committed various offences, including murder, rape, destruction of property, looting of property, equipment and goods.

(4) According to Terrain Services Ltd. management, there were over 30 foreign aid workers residing at the compound at the time of the incident. There were also 45 other foreign and local workers employed by Terrain Services Ltd. who were at Terrain during the incident.

(5) Immediately after the incident, the Director of SPLA Military Intelligence appointed a team of military officers to investigate the alleged offences and to trace and apprehend those implicated in the incident. The Military Committee was directed to recover any property stolen or looted from Terrain and arrest anyone implicated in the Terrain incident.

(6) On 16 August 2016, His Excellency General Salva Kiir Mayardit, President of the Republic, appointed a committee via Republican Order No. 20/2016 to investigate alleged offences of murder, rape and property looting committed at Terrain Services Ltd. on 11 July 2016. The committee was appointed in accordance with section 5(1) of the Investigation Committees Act of 2006.

(7) On being informed of the appointment, the Committee immediately held its first meeting on 17 August 2016, in which it prepared its budget and agreed on the working methodology to guide its investigation.

(8) The Committee co-opted additional members and support personnel to assist in taking minutes of meetings, conducting interviews and performing other tasks relevant to the investigation.

(9) The Committee began by conducting its investigation in secrecy, and only made itself public in a press conference held on 1 September 2016. This was to prevent anyone who might have been suspected of involvement in the incident from absconding, destroying evidence or hiding property looted.

[1] J1 is the name of the State House of the Republic of South Sudan

## 1.2 Mandate and composition of the Committee

(1) In the mandate of the Committee, as stipulated under Republican Order No. 20/2016 dated 16 July 2016, was to investigate into the incidences of alleged murder, rape and property looting at Terrain hotel compound on Yei road, on 11 July 2016.

(2) The Investigation Committee was composed of six (6) members, as hereunder:

| *Name* | *Position* | *Designation in Committee* |
|---|---|---|
| 1. Honourable Martinson Mathew Oturomoi | National Deputy Minister of Justice and Constitutional Affairs | Chairperson |
| 2. Lieutenant General James Biel Ruot | Deputy Inspector General of Police | Deputy Chairperson |
| 3. Major General Bor Wutchok Bor | Director of Political Affairs (Internal Security Bureau — National Security Service) | Member |
| 4. Major General Kulang Mayen Kulang | Deputy Director of Military Intelligence | Member |
| 5. Ambassador John Andruga Duku | Ambassador in the Ministry of Foreign Affairs and International Cooperation | Secretary |
| 6. Colonel Matur Dharuai Yor | Sudan People's Liberation Army | Member |

(3) In accordance with the Republican Order which gives the Committee the power to co-opt additional members, the Committee appointed nine investigators from the Ministry of Justice, Military Intelligence, National Security Service and Criminal Investigation Department (CID) to assist the Committee in assembling evidence including by interviewing witnesses and victims and interrogating suspects of the Terrain Hotel incident.

## 1.3 Terms of reference of the Committee

(1) The terms of reference of the Committee, as stipulated in Republican Order No. 20/2016, are as follows:

(a) To investigate the alleged incidences of murder, rape and looting of civilian property within Terrain Hotel compound;

(b) To come up with recommendations to prevent the occurrences of such incidences from recurring in the future.

## 1.4 Powers of the Committee

The powers of the Committee as provided under section 12 of the Investigation Committees Act of 2006, are as follows:

(a) Conduct hearings;

(b) Interview witnesses who may have relevant information regarding the investigation;

(c) Issue summons to any person to appear before it, if the Investigation Committee deems that there is reasonable cause for summoning such a person to give evidence under oath;

(d) Require the production of any document from anywhere;

(e) Issue warrants of arrest for any person who refuses to appear before the Investigation Committee without a valid reason, provided that all powers set forth above are exercised in good faith with the belief that they are necessary to the investigation.

## 1.5 Methodology and process of the investigation

(a) The Committee used different methods and strategies to establish facts pertaining to the Terrain incident of 11 July 2016, including obtaining documentary evidence, interviewing witnesses and victims of the attack, conducting a visit to the scene of the incident, examining video recording and photographic evidence and exhibits.

(b) The overall management and supervision of the investigative process was key to the success of this investigation. The success of any investigation is dependent on the context and circumstances of the crime.

(c) The Committee was keen to design and follow an investigation process that would lead to the identification of witnesses, victims and perpetrators. In identifying the perpetrators of the Terrain incident, the Committee was keen to consider the following methods of gathering evidence:

- Obtaining written statements from witnesses, victims and suspects
- Presence of suspect description provided by witnesses and victims
- Identification of suspect by witness or victim (parade, video, photo, etc.)
- Useful lead from vehicle or property recovered from suspects
- Suspect name provided by witness and victim
- If suspect is known to either victim or witness
- Presence of physical evidence
- Confession by suspect
- Availability of DNA or forensic evidence of victim or suspect

(d) The Committee placed high priority on designing an investigation process that would ensure that all of the suspects are identified and arrested. Taking statements from witnesses, victims and suspects was key to determining the nature and circumstances of offences perpetrated at Terrain Hotel.

(e) Whether the outcome of this investigation would achieve its objective was dependent on the information obtained during the investigation. The quality of information obtained during the investigation, and how this was recorded, were likely to be extremely important in both identifying the perpetrators and ensuring their accountability.

## 1.6 Facts to be established by the Committee

(1) Based on the terms of reference provided by Republican Order No. 20/2016, the Committee intended to establish facts pertaining to alleged offences of murder, rape and the looting of property of civilians at Terrain Hotel compound on 11 July 2016.

(2) The facts to be established by the Committee were as follows:

(a) What actually occurred at Terrain Compound on 11 July 2016 and subsequent days, and what offences were committed by the perpetrators?

(b) Establish the validity of allegations pertaining to the murder of a South Sudanese journalist, the rape of five foreign aid workers, the shooting of one person in the leg, the beating of residents and the looting of property at Terrain compound.

(c) Determine the identity of the people who broke into Terrain Hotel compound on 11 July 2016 and committed the offences of murder, rape, torture and the looting of property and goods.

(d) Establish the reasons as to why foreign aid workers were left to continue residing at Terrain compound despite the fact that the area was the scene of heavy fighting between government forces and forces allied to former First Vice-President Dr. Riek Machar between 10 and 11 July 2016.

(e) Find out which appropriate measures, if any, were taken to rescue the aid workers and to determine whether there were any shortcomings from Government forces in responding to the pleas of the Terrain residents.

(f) Establish any other facts relevant to the issues under investigation.

## 1.7 Investigation proceedings

(1) The Committee commenced its investigation on 18 July 2016; two days after its appointment. This was because the Committee had to make financial and administrative arrangements for the smooth conduct of its investigation.

(2) The Committee developed its working methods and agreed on time frames to guide its investigation, including by determining relevant facts and information needed to be established by the Committee.

(3) The Committee started by gathering relevant documentation and identifying potential victims, witnesses and suspects that needed to be interviewed. The

Committee evaluated the incident report prepared by the management of Terrain, which contained specific allegations of murder, rape, property theft and looting.

(4) The Committee conducted preliminary investigations into the Terrain incident including scene assessment. The main purpose of undertaking the preliminary investigations were as follows:

- Attempting to know what had happened;
- Establishing who had committed the alleged offences and whether there would be a chance to apprehend the perpetrators;
- If the offender had not been identified or caught, identifying information that could lead to his/her identification.

(5) The Committee received oral statements from the Management of Terrain, witnesses, victims and suspects on allegations of murder, rape, property looting and criminal damage committed at Terrain compound on 11 July 2016.

(6) The Committee recorded statements from SPLA soldiers, national security officers and other key witnesses of the incident. The Committee also interrogated suspects implicated in stealing vehicles from Terrain, some of which have been placed under custody.

(7) The Committee examined photographic evidence of the scene of the attack and took photos of exhibits from the compound it considered relevant to the investigation. The Committee visited Terrain compound and inspected the buildings to acquire first-hand information.

(8) The Committee received from Terrain management a comprehensive list of vehicles, property and goods looted from Terrain compound during the incident. About 13 vehicles have been recovered and returned to the rightful owners.

(9) The Committee reviewed media reports pertaining to Terrain incident, including a video clip played at Al-Jazeera television.

## 1.8 Limitations and challenges to the investigation

(1) The main limitation to this report relates to the time frame of 21 working days given to the Committee to complete its investigation. This was a complex investigation that required the Committee to identify, interrogate and interview many witnesses, victims and suspects.

(2) There was an element of reluctance to state the truth by witnesses, and it was difficult to trace most witnesses, victims and suspects. Foreign victims were particularly reluctant to speak to the Committee because of apparent mistrust of the system and for fear of exposing their identity.

(3) Although the Investigation Committee has managed to apprehend some of the suspects who stole vehicles from Terrain and secured their detention, the Committee faced challenges of identifying the suspects who raped the aid workers and the killer of John Gatluak.

(4) The challenge is that Terrain incident has attracted wider attention from the international community and foreign countries, including the United States: Terrain has become political leverage to pressure the Government of South Sudan to

consent to the Regional Protection Force. Consequently, this Committee has been put under pressure to respond to the high expectations of those with an interest in the investigation.

(5) The Committee conducted its tasks within the limited capacity and resources in its possession.

### 1.9 Structure of the report

(1) This report contains five parts. Part one provides the introduction, part two discusses the facts determined by the Committee, part three contains the findings of the Committee, part four provides the recommendations and part five contains record of statements of witnesses, victims and suspects of the Terrain incident.

(2) The main body of this report contains over 100 pages, excluding other separate documents enclosed as annexes to this report. The separate annexes include handwritten transcripts of interviews, tape recordings of interviews, incident reports provided by Terrain management and other relevant documentation.

## Part two
## Discussion of the facts determined by the Committee

### 2.1. Facts determined by the Committee

(1) The Committee obtained oral, written and documentary evidence from witnesses and victims of the Terrain incident. The Committee interviewed over 60 witnesses in relation to the incident and also examined video footage forwarded to Al-Jazeera by one of the victims.

(2) The Committee has gathered sufficient facts regarding what happened at Terrain on that fateful afternoon of 11 July 2016. The Committee conducted oral and telephone interviews with witnesses, victims, the management and employees of Terrain and those suspected of stealing vehicles from Terrain.

(3) The Committee obtained factual evidence from Terrain management and witnesses of the events that occurred at Terrain compound on 11 July 2016. The Committee has determined that the alleged crimes that were committed at Terrain include the murder of a South Sudanese journalist working with Internews, named John Gatluak, the rape of at least five women working with international organizations and an unknown number of Terrain staff,[2] the shooting in the leg of one man[3] working for an international organization, and the torture and beating of almost every person inside the new apartment building.

(4) The Committee received a written incident report from Terrain management narrating the chronology of events that took place during the incident, including an account of allegations of the rape of aid workers and other victims at Terrain Hotel on 11 July 2016.

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[2] Apart from western aid workers, the witnesses have confirmed that Kenyan and South Sudanese women were also the subject of rape.

[3] The foreigner who was shot on the leg is mentioned in this report as Jesse Bunch.

(5) The records of witness statements are contained as annex 1, in part five of this report. These are statements obtained through interviews from witnesses, victims and suspects of Terrain incident. They also include written statements forwarded to the Committee by those who could not appear before the investigation for reasons beyond their control. Given the need to protect witnesses and in order not to prejudice any future criminal investigations or court proceedings, the Committee has decided that part five shall be classified. However, a general discussion of the witness statements has been provided in part two of this report.

## 2.2 Incident report from the management of Terrain

(1) According to a report from Terrain Hotel management, the incident at Yei Road Camp (Terrain Camp) started at approximately 3.30 p.m. on 11 July 2016. The report states that soldiers apparently allied with the Government of South Sudan overran a private compound on the Yei road; officially called Yei Road Camp (YRC) but widely known as Terrain. The report states that between 50 and 100 soldiers who had been stationed close to the YRC main gate on Yei road forced their way into the compound using guns and tyre levers. As regards the number of people present in the camp at the time of the incident, the report stated that the number was around 30 employees of international organizations, including the international non-governmental organization Internews, the Food and Agriculture Organization of the United Nations, Dyncorp, United Nations police and United States embassy subcontractor Management Systems International. In addition, approximately 45 members of YRC staff of mixed nationalities were in the compound. The report asserts that all of these staffs were victims of the attack. The report further states that, upon breaking into the compound, the soldiers committed savage acts of violence, including the execution of one employee of the international non-governmental organization Internews as well as rape, gang rape, beatings, torture and looting and vandalism on a grand scale.

(2) In this incident report, the Manager of Terrain Hotel, Mr. Michael Woodward, narrates the chronology of events that took place during the incident on 11 July 2016 as follows:

| *Time* | *Events* |
|---|---|
| 3.30 p.m. | (a) The soldiers who had been stationed close to the YRC main gate on Yei road forced their way into the compound using guns and tyre levers. Estimates are that somewhere between 50 and 100 soldiers forced their way in, accompanied by one vehicle.[a] This vehicle is described as a Land Cruiser pickup with a machine gun mounted on the back of the vehicle and painted in camouflage colours. It had no number plate and was driven by a man named Deng.[b]<br><br>(b) One group proceeded straight to the bar and restaurant area, while another continued through the next sets of gates into the residential area. Some of the soldiers went first to the staff area, where they beat people and stole their possessions, while others proceeded to the guests' residential areas. |

| *Time* | *Events* |
|---|---|
| 4 p.m. | Soldiers force their way into the first buildings and begin shooting at people and looting and vandalizing extensively. A minimum of 18 vehicles belonging to other organizations, residents and staff at YRC. |
| 4.15 p.m. | Soldiers begin breaking into the New Block, the location of the worst violence. |
| 5 p.m. | Some YRC staff plus one United States citizen are escorted off the compound by a soldier apparently called Akot,' who appeared to be in command. |
| 5.10 p.m. | One foreign member of staff informs the relevant consular officer in Nairobi that the compound is "under attack". |
| 5.30 p.m. | Physical attacks on the people inside the new block apartments begins, violence includes:<br>• The murder of one man working for Internews<br>• The rape of at least five women working for international organizations<br>• The rape of an unknown number of YRC staff<br>• The shooting in the leg of one man working for an international organization<br>• The torture and beating of almost every person inside the new apartment building. Serious acts of violence include mock executions, rape and gang rape, torture and beatings that caused grievous bodily harm. |
| 6.15 p.m. | (a) John Gatluak, an employee of an international non-governmental organization, Internews, is executed in front of his colleagues outside the new block apartment building. According to witnesses, Gatluak remained calm while soldiers harassed him and repeated the word "Nuer".<br>(b) Gatluak was then separated from his colleagues before being shot twice in the head and a further four times after he dropped to the ground, all by the same soldier.<br>(c) One witness recalls that this soldier wore a light coloured beret (neither green nor red) and was relatively tall compared to the other soldiers present and was in his thirties or forties. |
| 6.30 p.m. | (a) First rescue party arrives, apparently led by a man named either Jackson or Wilson from National Security. Seven people from YRC are extracted in this wave and taken straight to Afex camp.<br>(b) The vehicle they travelled in was an unmarked white Land Cruiser with brown stripes and crocheted seat covers. |
| 7.12 p.m. | First wave of rescued people reached Afex. |

| *Time* | *Events* |
|---|---|
| 8.04 p.m. | Second wave of rescued people reached Afex, their rescuers were called either Jackson, Wilson or Dominic and identified as National Security. |
| Morning of Tuesday 12 July 2016 | Final waves of rescued people reached Afex. |

[a] There are inconsistencies regarding the number of vehicles used by the perpetrators. Some witnesses say there were two vehicles.
[b] There is need to identify this Deng as he may be of help to the investigation. The identification would be easy once his unit is uncovered.
[c] Akot could be identified once the unit of the perpetrators is known. He is of interest to uncovering what happened at Terrain.

## 2.3 Analysis of witness statements

This section provides the Committee's analysis of the statements provided by witnesses, victims and suspects in relation to the alleged offences committed at Terrain Hotel compound on 11 July 2016.

### (1) Allegations of murder

(a) Witnesses told the Committee how a South Sudanese journalist by the name John Gatluak was killed. One of the Terrain victims narrated how Gatluak was separated from other residents and led downstairs where he was subsequently shot dead. One of the witnesses stated that the victim was shot twice on the head and thereafter four bullets were released into his body after he was dead. This alone reveals the degree of hatred and cruelty demonstrated by the killer.

(b) Another witness states that Gatluak was killed simply for being Nuer. The witness said Gatluak was picked after the soldier saw marks on his face and shouted "Nuer". The Committee found this claim disturbing and believes that the killer was using ethnicity to justify his criminal act. There would be no other better explanation than what witnesses heard from the killer himself. While political leaders are determined to cement social cohesion among the different communities, there will always be individuals in society such as Gatluak's killer who would not be comfortable with communities peacefully coexisting. The Committee could not comprehend how an unarmed civilian like Gatluak should die at the hands of a person whose duty was to protect him. No one but the killer himself would be in position to provide reasons for such a callous and barbaric act.

(c) Testimonies provided by witnesses are all consistent in narrating the circumstances in which Gatluak was dragged from the apartment, walked down the stairs and then shot dead by his killer. The Committee takes pain that the life and career of this promising young man was cut short at the hands of his own countryman. The Committee regrets that Gatluak's killer has not been found but believes that further investigations would lead to the identification and arrest of his killers.

(d) It is the collective responsibility of all the people of South Sudan to help the leadership of this country to promote social cohesion and peaceful coexistence among the different ethnic groups. All of us need to change the way we relate to one another. Many innocent lives have been lost and continue to be lost by all communities of South Sudan for no better reason than ethnic hatred. The only consolation to the soul and family of this young man is to apprehend and punish his killers.

**(2) Allegations of rape and sexual assault**

(a) The statements narrated by the victims of rape[4] provide disturbing accounts of how women were subjected to rape by the offenders of Terrain. One of the victims stated she was taken out of the apartment and separated from other residents. The victim described how she was subjected to sexual assault, harassment and intimidation, and then gang raped. The victim revealed that one soldier dragged her to the main room of the apartment and raped her on the floor, while another soldier raped the other expatriate woman in the bathroom.

(b) Another victim stated in a phone interview how she was beaten by soldiers and raped by at least 15 men in room No. 63 and then in another room, of which she cannot remember the number. She stated that she was rescued the following morning by Veterans Security Service security guards and taken to National Security Service headquarters and subsequently to Afex Hotel.

(c) All statements provided by the three victims of rape are consistent in providing a disturbing account in relation to the rapes that took place at Terrain. The full statements provided by the victims are attached as an annex to this report.[5] The Committee finds it disturbing to read the statements provided by the victims of rape. Anyone reading this report would share the Committee's feeling of dismay, because this horrible tragedy could have happened to any of our own daughters, sisters, wives, mothers, friends or relatives. There is no doubt that these women were subjected to all sorts of sexual violence, which resulted in forced sexual acts, as well as physical and psychological harm or suffering, including threats of such acts, coercion, and arbitrary deprivation of their liberty with intent of inflicting on them maximum harm. No amount of sympathy or words can console these victims — the only consolation for them is for the perpetrators of these heinous crimes to be traced and brought before the law.

(d) No one should downplay the emotional, psychological and physical pain caused to these victims of rape. The Committee understands the feelings of the parents, spouses or relatives of the victims. These are noble women who came to this country to assist our vulnerable men and women with the services they need. As rightly articulated by one of the Ministers of the Transitional Government of National Unity of South Sudan, rape is an unacceptable practice in the cultures of the people of South Sudan. The Minister further stated that those who carried out these rapes would not accept their sisters, wives or mothers to be raped by others.

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[4] Rape is a serious crime under the laws of South Sudan. Section 247 of the Penal Code provides for a term of up to 14 years of imprisonment for anyone convicted of rape.

[5] Given the serious criminal nature of this offence, the Committee has decided to classify the statements of the victims, witnesses and suspects in order to protect the identity of those providing the information and not to prejudice any criminal proceedings against the suspects or accused.

(e) Although the number of women who have come forward to disclose that they were subjected to rape is about five, it is clear from the witness statements, in particular the incident report provided by Terrain management, that the number was probably higher. South Sudanese, Kenyans, Ugandans and other foreigners were also the subject of rape and sexual assault. The Committee believes that the women who have decided not to come forward to complain of being raped might be afraid of repercussions by the offenders or are avoiding the stigma attached to rape victims. It is however the Committee's view that these women, particularly those who are South Sudanese, should come forward and assist authorities in their effort to identify and apprehend the offenders. We cannot end these kinds of shameful offences unless we all make sure that perpetrators pay dearly for their callous acts.

(f) The Committee has no reason to discount the statements provided by the victims of rape. Given the emotional and psychological effects associated with rape, no reasonable person would come forward publicly to state that she was raped if nothing had happened to her.

(g) The Committee's visit to Terrain removed any doubt that the victims were indeed raped by the offenders. The rooms described in the victims' statements as places where they were raped were littered with women's pants (underwear) and other exhibits that indicate that the rape was violent.

(h) Although there is overwhelming evidence to conclude that rape did take place at Terrain, no victim has been able to know the full names of the rapists. Victims have recalled some of the offenders' names as Wilson and Koang and that they are soldiers. According to the statement of one raped victim, she asked the soldier who raped her his name and that he told her his name was Koang. It is not clear whether the offenders were providing their real or fictitious names. From the various statements obtained from suspects, it is apparent that the names provided to the victims by the perpetrators were probably not real. However, efforts must be exerted by the concerned institutions to identify and apprehend these persons.

(i) Rape is one of the crimes that in most cases are carried out in a private area such as a room, and this makes it difficult for any person other than the victim to identify the offender. Given the challenges associated with the identification of the perpetrators of rape in this particular case, the Committee advises the relevant institutions to employ different methods of identifying the suspects, including parade, photos, video, DNA and forensics. The victims must he assured that the authorities have taken all necessary steps to bring the offenders to book.

(j) The Committee believes that the arrest and detention of some of the suspects implicated in the rapes that took place at Terrain would lead to identification and arrest of other suspects. The punishment of those implicated in these terrible acts would serve as a deterrent to other persons intending to engage in similar conduct.

**(3) Allegations of torture, bodily injury, intimidation and harassment**

(a) Statements provided by witnesses have given account of how one of the Terrain residents sustained a bullet injury to his leg. The injury, according to witness statements, was apparently caused by a stray bullet from a random shooting by the perpetrators towards the building. However, such gross recklessness still amounts to

a criminal offence. The person shooting the building was aware that there were people sheltering in that building and should have foreseen the consequences of his actions, including the probability of causing grievous bodily harm or death to anyone sheltering in that building at the time.

(b) Witnesses have provided statements to the effect that some of the residents were subjected to torture, harassment, intimidation, insults and even mock executions. One of the witnesses described how he was forced to lie down and a bullet shot closer to his ear. Other witnesses have narrated how they were insulted, intimidated and harassed by the offenders. These are criminal acts that are punishable under the laws of South Sudan. It is clear that these criminal minded and undisciplined elements were abusing their position to harass and intimidate civilians.

(c) The person whose leg was injured would have bled to death had he not been evacuated in a timely manner to receive urgent medical attention. The perpetrators were so inhumane that they did not bother to feel the pain and suffering caused to an innocent man. Again, there is no room for entertaining such behaviour in our society, and those implicated must face the full force of the law.

**(4) Allegations of property damage and looting**

(a) The witness statements provide a detailed account of the extent of property damage and looting that took place at Terrain on 11 July 2016. Over 20 vehicles belonging to Terrain management, residents and international organizations were taken by the perpetrators. About 13 of the vehicles stolen from Terrain have been recovered, and those implicated are under custody awaiting trial. Not all of the vehicles were perhaps stolen on 11 July 2016. Some of the vehicles could have been taken in subsequent days. The witness statements also narrate how rooms were ransacked and vandalized. Personal belongings, including money, laptops, mobile phones and clothes were looted. Television sets, beds, building materials, food, cement, light sockets, tapes, showers, sinks and electric wires were removed and taken.

(b) Every single room was destroyed and smashed, and bullet holes could be seen in every room, wall and ceiling. According to the report prepared by the Terrain management, witnesses report that from their very first arrival into the compound, the objective of the armed men seemed to be to steal everything they could find.

(c) The management of Terrain stated that there were reports of the near constant sound of vehicles being driven in and out of the gates and of the same vehicles returning to be reloaded with more and more stolen goods. The extent of looting that took place at Terrain indicates that looting took place for some days after 11 July 2016. After the incursion by the armed men on 11 July 2016, Terrain became the scene of looting, including by people who were not part of the first incursion into the hotel.

(d) It is unfortunate that the property and goods looted from Terrain have not been recovered, save for the vehicles discovered through the efforts of this Committee. It is important for the CID and Military Intelligence to continue with efforts to locate and recover the missing property and goods stolen from Terrain.

(e) The management of Terrain estimates the cost of damaged and looted property from Terrain at around $4 million, inclusive of lost earnings. The

Committee however was not in position to reach a conclusion on this matter because members felt that this was outside their mandate and terms of reference. Terrain management may use a different mechanism to address this claim.

**(5) Allegations on the identity of the perpetrators**

(a) According to witness statements, the number of soldiers who broke into Terrain compound was between 50 and 100. Witnesses described the perpetrators as wearing different types of uniforms belonging to South Sudan security forces. A security guard who was at Terrain testified that on 11 July, at around 3.30 p.m., the SPLA forces entered the Terrain compound and shot the first, second and third gate.

(b) Witnesses have provided description of uniforms worn by the perpetrators during their incursion into Terrain on 11 July 2016. One witness stated that one of the soldiers who asked her to help him with something was wearing a darker camouflage uniform. She further stated that when they walked into the hallway of the apartment she could see that the apartment was full of soldiers in green camouflage uniform; a dozen soldiers were wearing uniforms that were plain green (i.e. no camouflage). She said that the soldiers were speaking in Arabic and English. A victim described the person who raped her as wearing a red uniform of red trousers and a red jacket. Some of the offenders were allegedly wearing police uniforms.

(c) One witness states that she received messages from Terrain about the presence of soldiers inside the compound. According to the witness, she immediately contacted General Marial Chanoung of Tiger Division, who told her not to worry, and that he would inform the officer in charge near Terrain to control the situation. The witness claims that most of the soldiers. The witness further claims that there was a land cruiser in camouflage at Terrain, loaded with looted items with a man called Deng. She said when she went with some SPLA soldiers to Terrain on 12 July 2016, they found a drunken man in uniform carrying a briefcase with him and that soldiers who went with her disarmed the soldier and took him to National Security. She said the soldier was arrested by Deng Deng from Tiger Division.

(d) A witness informed the investigation that he saw a lot of SPLA soldiers looting sheep and goats, breaking doors and windows and looting property at Terrain compound. Another witness told the investigation that on 11 July 2016 he found three soldiers, one from the National Security Services and two from Tiger Division arguing over a vehicle (Noah) near Terrain compound. The witness stated that he stopped and asked the soldiers where they had acquired the vehicle, and that they told him the vehicle was removed from Terrain compound.

(e) The witnesses could not precisely identify any of the offenders, except mentioning single names they overheard being called out by the soldiers. Some of the names that have been mentioned by the witnesses include one alleged soldier wearing a badge with the name Wilson. This officer has been described by witnesses to be wearing a uniform belonging to the National Security Service. Other names that have appeared in the witness statements are Akot, Deng and Koang. The Committee is of the opinion that these persons should be treated as suspects of the crimes that were committed at Terrain Hotel and all efforts must be exerted to trace and apprehend them.

(f) The Committee has no illusions regarding the difficulty of identifying the culprits of Terrain. It is necessary to ensure that these criminals are identified and punished. It is time for us all to stop generalizing soldiers as being undisciplined. There are many soldiers out there who conduct themselves with discipline and professionalism. They brought independence to this young nation, and many have paid their lives for the sake of freedom. Equally, there is a significant number of undisciplined soldiers who need to be dealt with by their respective units in order to ensure that others do not follow their bad example. As the saying goes, a dozen rotten onions can spoil the whole sack.

(g) The Committee believes that statements provided by witnesses in this report in relation to the uniforms worn by the offenders, coupled with the names recalled by victims and identity of those detained with vehicle theft, provides a way forward for criminal investigation and prosecution of suspects. What is, however, needed is the existence of the will and determination from those who command these soldiers to apprehend and turn over the culprits to face justice.

(h) Whether those who committed these heinous crimes at Terrain were soldiers or civilians or both, there is no justification to protect any of these criminals. The Committee strongly urges those who witnessed the Terrain incident to reveal the names of suspects to concerned authorities.

**(6) Allegations on the motives of the perpetrators**

(a) Witnesses have alleged that they were targeted by the armed men on the grounds of their nationality. One witness states that a soldier told them that Americans were stupid. Another witness claims that soldiers told them that they hate Americans because they support the rebels.

(b) The Committee took such allegations seriously and felt that it was necessary to reach a conclusion on this matter. There was no witness to provide testimony discounting this allegation. The only people to discount this allegation would be the perpetrators who are alleged to have uttered the statements. However, considering the questionable credibility of the perpetrators, and having taken into account the circumstances associated with this investigation, the Committee is of the view that the utterances made by these criminals were probably calculated to make their victims believe that they were being mistreated at the orders of the Government. However, it is simple to discount such perception on ground that South Sudanese, Ugandans, Kenyans and other foreign women were also subjects of rape and mistreatment. The same soldiers looted the HIV/AIDS Commission compound just adjacent to Terrain. During the conflict, undisciplined soldiers looted civilian homes, including the houses of senior officials in Government.

# Part three
# Findings of the Committee

## 3.1 Identity of the perpetrators

(1) The Committee found sufficient evidence, after examining testimonies provided by witnesses and victims, to conclude that the armed men in military

uniform who broke into Terrain Hotel compound on 11 July 2016 and committed various offences of murder, rape, bodily injury, property damage and looting, among others, were a group of undisciplined government soldiers. The fact that most of the accused persons found with vehicles looted from Terrain were from the different units of the army makes the Committee reach this conclusion.

(2) There is evidence to suggest that those who attacked Terrain Hotel were a collection of undisciplined and criminally minded individuals whose motive was to exploit the confusion caused by the fighting of 8 to 11 July 2016 to loot property and carry out criminal acts. These criminally minded elements were aware that the priority of the military and other security organs was to contain the situation by defeating Riek's forces. The fact that the location of Terrain is on the outskirts of Juba city and was a no-go area for anyone at that time other than soldiers gave the offenders an opportunity to perpetrate their unlawful acts with impunity.

(3) The Committee was able to conclude that the same group of soldiers who broke into Terrain were responsible for looting the HIV/AIDS Commission compound, which is just a few meters from Terrain, before they turn into Terrain. The Committee was able to link the group to the looting of the HIV/AIDS Commission because sofa chairs looted from the Commission were brought and abandoned at Terrain compound the same day of the attack.

(4) Many witnesses interviewed by the Committee were able to describe the uniforms worn by the armed men. The evidence provided to the Committee was so overwhelming that no reasonable investigator would have reached a different conclusion. However, the Committee has not ruled out the participation of civilians in the incident, particularly in the looting of property.

(5) The Committee received varying figures regarding the number of armed men who broke into Terrain Hotel on 11 July 2016. There was however consensus that the number of the perpetrators was between 30 and 100 armed men. Witnesses have provided divergent accounts on whether this group of armed men entered the compound together at once, or whether a small group initially broke into the compound and subsequently attracted other looters. The fact that witnesses have stated that the offenders who entered Terrain were using two military Land Cruisers makes it logical to conclude that the first wave of armed men was probably a small number. Evidence obtained from witnesses has led the Committee to conclude that the armed men were passing in a team of different waves. Nonetheless, the numbers are immaterial in this investigation. A crime is a crime whether committed by 1, 2 or even 1,000 people. What is of interest to this investigation is holding criminals to account for their criminal acts.

## 3.2 Offences committed by the perpetrators

### 3.2.1 Murder

(1) The Committee found overwhelming evidence to conclude that a South Sudanese journalist, John Gatluak, was killed at Terrain Hotel by a soldier believed to belong to the army. Although witnesses were not able to identify the killer's name or unit, they were able to provide a description of the killer, including the uniform worn by him. According to testimonies of those who witnessed the shooting,

Gatluak was simply killed because of his ethnicity. The Committee has no reason to discount the account provided by the witnesses, especially given the fact that Gatluak was the only South Sudanese killed at Terrain.

### 3.2.2 Rape

(1) The Committee found compelling evidence to conclude that the perpetrators of Terrain committed offences of rape against the women who were taking shelter at the compound at the time of the incident. Statements provided by the victims of rape painted a disturbing account of how the perpetrators treated their victims during their encounters with them.

(2) Although no victim was able to provide clear particulars or the full names of any of the suspects for the Committee to identify the perpetrators of rape, the Committee believes that some of the descriptions and names provided by the victims and witnesses would be helpful to the relevant authorities to pursue further criminal investigations with a view to identifying and prosecuting more suspects.

(3) Although some of the suspects have been identified and detained, it is the Committee's hope that all of the perpetrators would be found and punished to the full extent of the law, no matter how long it would take to track them. No one can imagine the distress, suffering and pain caused to the victims of this shameful and heinous act. The only consolation these victims could get is when the perpetrators of this crime have been convicted and punished.

### 3.2.3 Bodily injury, harassment and intimidation

(1) The Committee found evidence to conclude that violent acts, including bodily injury and assault, were committed against the residents of Terrain Hotel. Many other witnesses told the investigation how a man by name Jesse Bunch was shot in the leg while trying to prevent soldiers from gaining access to the room where he and a group of foreign aid workers were hiding. The Committee saw the room where Bunch was shot and found traces of blood all over the room.

(2) The Committee, on the strength of the statements and evidence obtained from victims and witnesses of the incident, was able to conclude that acts of harassment and intimidation were also committed. Perhaps one of the most terrifying acts of intimidation was the mock execution of one of the residents, who was forced to lie down by a soldier and two bullets shot near his ear.

### 3.2.4 Property damage and looting

(1) There is overwhelming evidence for the Committee to conclude that property damage and the looting of property, including vehicle theft, occurred at Terrain Hotel from 11-12 July and even beyond. The Committee was furnished with lists of looted property and stolen vehicles.

(2) The Committee commends the efforts of the military and other security organs to trace and apprehend some of the vehicles looted from Terrain. The Committee welcomes the fact that those found with the vehicles have been detained by the military and will face the law. The Committee is hopeful that these detainees, when presented before the courts, would assist with the identification of more of the Terrain offenders. The Committee is of the opinion that, in the absence of progress

in identifying all of the suspects of the crimes committed at Terrain, those detained for vehicle theft may face the prospect of being associated with other offences committed at Terrain on the grounds that they have been found with property stolen from the crime scene.

(3) The Committee received sufficient evidence in regards to the stealing of vehicles and the looting of property and goods. The Committee's visit to Terrain Hotel compound enabled it to obtain first-hand information about the extent of the damage and looting that had taken place at the hotel. Vehicles stolen or robbed from the hotel have been apprehended, and most of them returned to the management of Terrain Hotel. Persons caught in possession of the vehicles have been arrested and are awaiting trial by general court-martial.

(4) The visit to Terrain Hotel by the Committee revealed that not a single structure on the compound was left untouched; all 96 rooms were damaged, some of them beyond repair, others in need of significant investment to return them to working order. Alongside the looting, widespread vandalism has been observed. The Committee confirmed, during a visit to Terrain Hotel, that all rooms, offices and dining facilities that were furnished with beds, desks, wardrobes, ovens, fridges, televisions etc., were either stolen or looted. Terrain Hotel services have also lost construction materials ranging from electrical cables to spare vehicle parts.

### 3.3 Motives of the perpetrators

(1) The Committee has not found evidence to suggest that the Terrain incident was something planned and coordinated with the intention of targeting particular nationalities resident at the Terrain Compound. From the statements obtained from witnesses and victims, the aim of the attack was primarily to loot the hotel, but some of the offenders then went ahead to commit other offences of murder, rape, bodily injury and harassment.

(2) The fact that the victims of the Terrain incident subjected to murder, rape, grievous bodily injury and harassment were people from different nationalities, including Europeans, Latin Americans, Ugandans, Kenyans and South Sudanese, leads the Committee to conclude that the offenders' motive was to loot property at Terrain and to commit other offences irrespective of who the subject of their heinous act was.

### 3.4 Efforts to rescue the victims

(1) The Committee found that the residents of Terrain were let down by those who were responsible for their security and safety. The Committee commends the National Security Service and the SPLA Tiger Command for taking immediate measures to rescue the residents of Terrain on 11 July 2016. The Committee felt that had these residents called Government security organs early enough, they would have been rescued and the suffering inflicted would have been minimized. The Committee took note of concerns expressed regarding UNMISS by Terrain victims, but felt that it was not within its competence to express any opinion. The Committee believes that the primary responsibility to protect civilians lies with the Government of South Sudan.

(2) The Committee apportions blame on the management of Terrain and employers of persons that were resident at Terrain for failing to take appropriate steps in order to ensure the security and safety of their employees. It was abundantly clear from the outbreak of fighting, on 8 July, that Yei road, on which Terrain is located, was likely to be a potential scene of further fighting, given that Riek's forces were located in that direction. On 10 July 2016, fighting intensified in the vicinity of Terrain, and this would have alerted the management of Terrain and employers of Terrain residents to make arrangements for the evacuation of at least the aid workers to a safer location. Anyone who has worked with the United Nations or international agencies would be in a better position to understand the security and safety procedures applicable to staff, particularly when international staff are deployed in countries facing insecurity or civil strife. It was not therefore reasonable to keep these foreign employees residing in a remote location without any measures being taken to guarantee their security and safety. The Committee's main purpose here is to enable other hotel owners to learn lessons by contacting security organs to secure their locations in the event of any fighting or security threat.

## 3.5 Root causes of indiscipline within the army

(1) The Committee found evidence to suggest that there is a growing trend of indiscipline within the rank and file of the army, and this is attributed to various factors, including economic factors, recruitment procedures, training, commissioning, promotion, deployment and psychological factors.

(2) The Committee attributes the worrying trend of indiscipline within the rank and file of the military to the challenges of nation building. The Government's efforts to transform the SPLA from a guerrilla to a professional and disciplined army have repeatedly been interrupted by the wars fought since 2005. The bulk of the forces were recruited to fight the wars without getting time to attend comprehensive training appropriate for an army during peace time. The only means of reversing this worrying trend is for the international community and friends of South Sudan, including the United States Administration, to stop the current war and support the new nation in the transformation of the SPLA.

(3) The Committee appreciates the efforts taken by the SPLA General Headquarters to punish soldiers who have been implicated in committing offences against civilians and their property. The growing trend of indiscipline in the army is worrying, and there is need for urgent measures to be taken to reverse this trend. The Committee is aware that hundreds of soldiers are being detained for various offences, including indiscipline. However, the Committee is of the view that the detention and punishment of these undisciplined soldiers is not a sustainable approach without addressing the root causes of indiscipline.

(4) The current difficult economic condition of the country resulting from inflation and falling oil prices have made the living conditions intolerable for low-income members of society, including soldiers. The meagre salary paid to soldiers and its irregular payment has forced some of the soldiers to seek unlawful means of providing for themselves and their families.

(5) The psychological impact on soldiers who have spent most of their lives fighting bloody wars has not been taken care of. These categories of soldiers require

counselling services to be offered to them so as to address their psychological and mental feelings.

(6) It is not the Committee's intention to consider the root causes of indiscipline enumerated herein to be used as an excuse for condoning the serious offences committed against Terrain victims, but these are issues that need to be addressed in order to prevent such atrocities from recurring in the future.

# Part four
# Recommendations

## 4.1 Formation of a Special Court

(1) A Special Court should be constituted to undertake the trials of suspects implicated in the offences of murder, rape, bodily injury, property damage, looting of property and goods and other unlawful acts committed at Terrain Hotel during the July incident. Given that most of the suspects are members of the military, the Committee proposes that the Special Court to be constituted be a special military court-martial. Alternatively, a special hybrid court comprising a panel of military and civil judges could be another appropriate body to conduct trials, particularly if there are also civilian suspects.

(2) A special prosecutor assisted by a team of other prosecutors should be appointed to oversee criminal investigations and prosecutions against suspects of the Terrain incident. The prosecutor will use this report as reference for criminal investigations and, where there is sufficient evidence to warrant prosecution, bring charges against suspects.

(3) Suspects already identified or traced and who are implicated in offences committed at Terrain and for whom there is sufficient evidence to warrant prosecution should be presented for trial before the Special Court.

(4) In addition to those implicated in the acts of rape, it is the Committee's view that those found with vehicles stolen from Terrain may also be treated as suspects for the other crimes committed at Terrain Camp. Those accused of vehicle theft from Terrain may be treated as suspects for the other unlawful acts committed at Terrain Compound.

(5) The Military General Court-Marital (Military Court), or any other military unit responsible for the detention of Terrain suspects should suspend proceedings against them pending their trial by the Special Court to be constituted in accordance with para. (1) of these recommendations.

(6) The Government of South Sudan should ensure that the Special Court is adequately funded and has the capacity and competence necessary to accomplish its tasks. The Government may request assistance from foreign countries if deemed necessary to promote the interest of justice.

(7) Victims of the Terrain incident or their representatives should have access to the Special Court and all appropriate arrangements to facilitate their interaction with the Court, and prosecutors should be put in place to secure their effective participation in proceedings, either personally, or through representation of their

choice. It shall not be the practice of the Special Court to summarily execute those who are accused of crimes committed at Terrain without due process of the law.

(8) The army command, National Security Service and South Sudan Police Service should direct all their units to trace suspects of the Terrain incident, present them for trial by the Special Court and fully cooperate with the Court, including by facilitating any criminal investigation or interrogation of the Terrain suspects.

## 4.2 Adopting a zero-tolerance policy against undisciplined soldiers

(1) The Ministry of Defence and Veterans Affairs should adopt a zero-tolerance policy against indiscipline and misbehaving elements of the army and other organized forces. Those found guilty of misbehaving or about to misbehave must immediately be made to account for their act.

(2) The SPLA General Headquarters, national security and other organized forces should take immediate measures to tackle the growing trend of indiscipline within the rank and file of their forces, including by taking practical measures to instil discipline and professionalism among the forces through regular briefings and trainings.

(3) Government forces, rebel or militia forces or civilians who commit crimes against civilians must be subject to punishment to the fullest extent in accordance with military or civilian law, as applicable.

## 4.3 Improving security for foreigners resident or visiting the country

(1) The army, national security and other organized forces should be sensitized on how to deal with foreigners and civilians at all times. They should also be made aware that mistreatment of foreigners and civilians does not serve the national interest of the country. Anyone found mistreating a foreigner or civilian must be severely punished.

(2) International non-governmental organizations, including aid agencies working in the various parts of South Sudan, should review their security measures and procedures in order to improve the security and safety for their employees.

(3) The South Sudan police service, in collaboration with other security organs, should designate a special force to focus on the provision of security for aid agencies and respond to any security emergencies pertaining to foreigners and civilians.

(4) Foreigners residing in the various hotels or guest houses in Juba should be encouraged to register their location, names and contact with their respective embassies, in order to facilitate prompt response by security organs in the event of any security problem.

(5) The State Government of Jubek, in collaboration with relevant institutions at the national level, should ensure that hotels and other lodgings used by foreigners are adequately protected and located in secure areas of the city. The management of any such hotel or lodging located in remote area should make arrangements for protection with the police.

### 4.4 Addressing command and control issues

(1) Military officers should undergo training on the Geneva Conventions pertaining to armed conflicts, in particular on the soldiers' code of conduct during armed conflict and on matters of command and control. Soldiers should be fully briefed on how to treat civilians prior to being dispatched for operations.

(2) Force commanders should be made aware that they may be directly accountable for offences committed by soldiers under their direct command if it is proven that they failed to prevent their forces from misbehaving against civilians during military assignments or operations. All units must designate officers to monitor and report cases of indiscipline and misbehaviour among soldiers during military assignments or operations.

(3) Soldiers should be sensitized to the consequences of misbehaving during military operations or abusing their status to commit unlawful acts against the civilian population, including the mistreatment of civilians and the looting of property.

### 4.5 Transformation and professionalization of the army

(1) The Transitional Government of National Unity should prioritize the transformation and professionalization of the SPLA, including by adopting policies and practical strategies aimed at instilling discipline among its rank and file.

(2) The international community should assist the Government of South Sudan in its efforts to transform and professionalize its army. The international community should appreciate that the world's youngest nation is struggling with nation building and therefore requires support to build viable and strong institutions, including the military.

(*Signed*) Martinson Mathew **Oturomoi**
Chairperson

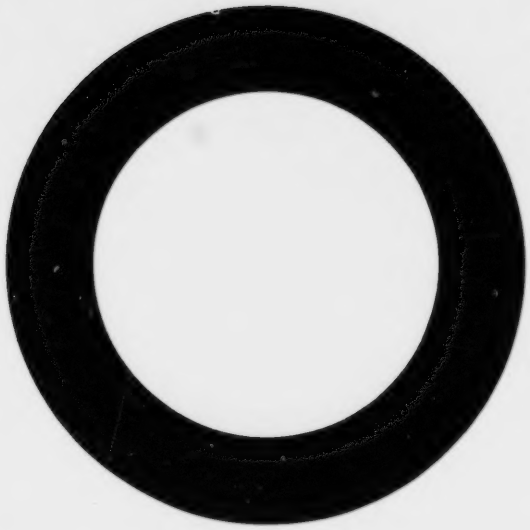
Lieutenant General James Biel **Ruot**
Deputy Chairperson

Major General Bor Wutchok **Bor**
Member

Major General Kulang Mayen **Kulang**
Member

Ambassador John Andruga **Duku**
Secretary

Colonel Matur Dharuai **Yor**
Member



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## Identical letters dated 26 October 2016 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I transmit to you herewith a statistical summary of Israeli violations of Security Council resolution 1701 (2006) committed during the month of September 2016 (see annex).

I should be grateful if the present letter and its annex could be circulated as a document of the seventy-first session of the General Assembly, under agenda item 34, and of the Security Council.

(*Signed*) Nawaf **Salam**
Ambassador
Permanent Representative

16-19558 (E) 111116 151116

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## Annex to the identical letters dated 26 October 2016 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

### Ground violations committed in September 2016

| *Date* | *Time* | *Nature of violation* |
|---|---|---|
| 4 September | 0700<br>1700 | The Israeli enemy continued the work begun on 15 August 2016 outside the technical fence in the locality of Saddanah, near observation point OP3 of the Indian contingent of the United Nations Interim Force in Lebanon (UNIFIL), towards Birkat al-Naqqar. The enemy carried out the work using two excavators, four jackhammer vehicles and a bulldozer escorted by six AIL Storm vehicles and one Hummer vehicle. The Israeli enemy subsequently finished work and the vehicles left in the direction of occupied territory. |
| 5 September | 0627<br>1645 | The Israeli enemy continued the work begun on 15 August 2016 outside the technical fence in the locality of Saddanah, near observation point OP3 of the Indian contingent of UNIFIL, towards Birkat al-Naqqar. The enemy carried out the work using four jackhammer vehicles, three excavators and two bulldozers escorted by two AIL Storm vehicles, six soldiers and a personnel carrier. The Israeli enemy subsequently finished its work and the vehicles left in the direction of occupied territory. |
| 6 September | 0620 | The sound of several explosions was heard in the Shab'a Farms. |
| | 0626<br>1620 | The Israeli enemy continued the work begun on 15 August 2016 outside the technical fence in the locality of Saddanah, near observation point OP3 of the Indian contingent of UNIFIL, towards Birkat al-Naqqar. The enemy carried out the work using four jackhammer vehicles, two excavators and a bulldozer escorted by an AIL Storm vehicle and six soldiers. The Israeli enemy subsequently finished its work and the vehicles left in the direction of occupied territory. |
| | 1615 | Inside occupied Palestinian territory, four Israeli enemy soldiers installed a surveillance camera on a transmission tower within their position opposite Ra's Naqurah and pointed it towards Lebanese territory. The Israeli enemy army finished work at 1725 hours and withdrew in the direction of occupied territory. |
| 8 September | 1200 | A shepherd reported seeing a suspicious item on the outskirts of Shab'a town, near observation point OP1 of the Indian contingent of UNIFIL. A Lebanese Army patrol went to the location and found some metal pegs planted in the ground. The pegs were part of a surveillance device which the Israeli enemy had previously planted on Lebanese territory and has recently removed. |
| 13 September | 0530<br>0830 | Several explosions were heard within the occupied Shab'a Farms. From its positions at Ramta and Summaqah, the Israeli enemy directed machine-gun and medium-weapons fire at the surroundings. |

| *Date* | *Time* | *Nature of violation* |
|---|---|---|
| 19 September | 1700 | The Israeli enemy installed a camera opposite the town of Mays al-Jabal in the Kurum al-Shiraqi area, between points B64 and B64-1, 10 metres south of the Blue Line. The camera was fixed to a cube that was camouflaged to look like a rock. It was directed towards Lebanese territory. |
| 26 September | 1230 | The Israeli enemy continued the work begun on 15 August in the occupied Shab'a Farms, beyond the technical fence, at the locations of Saddanah and Jabal al-Shahl, in the direction of the Radar position. The enemy carried out the work using two D9 bulldozers escorted by a hostile patrol comprising two personnel carriers, two Merkava tanks and 25 soldiers who took up positions on the surrounding hills. The Israeli enemy finished work at 1630 hours. |
| 27 September | 0930 | The Israeli enemy continued the work begun on 15 August in the occupied Shab'a Farms, beyond the technical fence, in the locations of Saddanah and Jabal al-Shahl, in the direction of the Radar position. The enemy carried out the work using two trench diggers escorted by a patrol comprising a Merkava tank and 15 soldiers who took up positions on the surrounding hills. The Israeli enemy finished work and the vehicles withdrew in the direction of occupied territory at 1630 hours. |
| 29 September | 1350 | An Israeli enemy patrol comprising a Defender vehicle, a Hummer pick-up truck, a steamroller, a trench digger and three soldiers carried out maintenance work along the technical fence opposite the Lebanese Army checkpoint of Udaysah. Members of the patrol trained their weapons on Lebanese territory. The Israeli enemy finished work and withdrew in the direction of occupied territory at 1530 hours. |

**Sea violations committed in September 2016**

| *Date* | *Time* | *Nature of violation* |
|---|---|---|
| 3 September | 1716 | Off Ra's al-Naqurah, an Israeli enemy military launch violated the southern maritime boundary established by Decree No. 6433 (2011) of 1 October 2011, for a three-minute period, and proceeded on its way for some 240 metres. The launch then left in the direction of occupied Palestinian territorial waters. |
| 4 September | 1813 | Off Ra's al-Naqurah, an Israeli enemy military launch violated the southern maritime boundary established by Decree No. 6433 (2011), for a three-minute period, and proceeded on its way for some 200 metres. The launch then left in the direction of occupied Palestinian territorial waters. |
| 5 September | 0938 | Off Ra's al-Naqurah, an Israeli enemy military launch violated the southern maritime boundary established by Decree No. 6433 (2011), for a 42-minute period, and proceeded on its way for some 205 metres. Enemy divers descended from the launch and carried out maintenance work on the second and third buoys. The launch then left in the direction of occupied Palestinian territorial waters. At 1055 hours, it again violated the boundary, for an 18-minute period, and proceeded on its way for some 300 metres. It then left in the direction of occupied Palestinian territorial waters. |

| *Date* | *Time* | *Nature of violation* |
|---|---|---|
| | 1825 | Off Ra's al-Naqurah, an Israeli enemy military launch violated the southern maritime boundary established by Decree No. 6433 (2011), for a three-minute period, and proceeded on its way for some 260 metres. The launch then left in the direction of occupied Palestinian territorial waters. |
| | 1920 | An Israeli enemy launch inside occupied Palestinian territorial waters released an explosive charge into occupied Palestinian territorial waters. The crew used a loudspeaker to call out in Hebrew to the crew of a Lebanese fishing vessel that was located inside Lebanese territorial waters. |
| 6 September | 0344 | Off Ra's al-Naqurah, an Israeli enemy military launch violated the southern maritime boundary established by Decree No. 6433 (2011), for an eight-minute period, and proceeded on its way for some 330 metres. The crew directed a searchlight at Lebanese territorial waters and used a loudspeaker to call out in Hebrew to the crew of a Lebanese fishing vessel that was located inside Lebanese territorial waters |
| | 0400<br>0430 | From its position in occupied Palestinian territory opposite Ra's al-Naqurah, the Israeli enemy twice directed a searchlight towards Lebanese territorial waters, first for 30 seconds and then for 40 seconds. |
| | 1748 | Off Ra's al-Naqurah, an Israeli enemy military launch violated the southern maritime boundary established by Decree No. 6433 (2011), for a four-minute period, and proceeded on its way for some 350 metres. The launch then left in the direction of occupied Palestinian territorial waters. |
| 10 September | 1905 | Off Ra's al-Naqurah, an Israeli enemy military launch violated the southern maritime boundary established by Decree No. 6433 (2011), for a three-minute period, and proceeded on its way for some 240 metres. The launch then left in the direction of occupied Palestinian territorial waters. |
| 11 September | 0230 | From inside occupied Palestinian territorial waters at its position opposite Ra's al-Naqurah, the Israeli enemy directed a searchlight towards Lebanese territorial waters for a period of five minutes. |
| | 1824 | Opposite Ra's al-Naqurah, an Israeli enemy military launch violated the southern maritime boundary established by Decree No. 6433 (2011), for a two-minute period, and proceeded on its way for some 130 metres. The launch then left in the direction of occupied Palestinian territorial waters. |
| 12 September | 0457 | Off Ra's al-Naqurah, an Israeli enemy military launch violated the southern maritime boundary established by Decree No. 6433 (2011), for a five-minute period, and proceeded on its way for some 425 metres. The crew launched an explosive device into Lebanese territorial waters. The launch then left in the direction of occupied Palestinian territorial waters. |

| *Date* | *Time* | *Nature of violation* |
|---|---|---|
| | 1822 | Off Ra's al-Naqurah, an Israeli enemy military launch violated the southern maritime boundary established by Decree No. 6433 (2011), for a one-minute period, and proceeded on its way for some 205 metres. The launch then left in the direction of occupied Palestinian territorial waters. At 1831 hours, it violated the boundary again, for a three-minute period, and proceeded on its way for some 205 metres. It then left in the direction of occupied Palestinian territorial waters. |
| 14 September | 1010 | Off Ra's al-Naqurah, an Israeli enemy military launch violated the southern maritime boundary established by Decree No. 6433 (2011), for a two-hour-and-50-minute period, and proceeded on its way for some 500 metres. The launch then left in the direction of occupied Palestinian territorial waters. |
| | 1805 | Off Ra's al-Naqurah, an Israeli enemy military launch violated the southern maritime boundary established by Decree No. 6433 (2011), for a four-minute period, and proceeded on its way for some 295 metres. The launch then left in the direction of occupied Palestinian territorial waters. |
| 15 September | 1006 | Off Ra's al-Naqurah, an Israeli enemy military launch violated the southern maritime boundary established by Decree No. 6433 (2011), for an eight-minute period, and proceeded on its way for some 110 metres. The launch then left in the direction of occupied Palestinian territorial waters. At 1034 hours, it again violated the boundary, for a four-minute period, and proceeded on its way for some 200 metres. It then left in the direction of occupied Palestinian territorial waters. |
| | 1855 | Off Ra's al-Naqurah, an Israeli enemy military launch violated the southern maritime boundary established by Decree No. 6433 (2011), for a two-minute period, and proceeded on its way for some 204 metres. The launch then left in the direction of occupied Palestinian territorial waters. |
| 16 September | 1810 | Opposite Ra's al-Naqurah, an Israeli enemy military launch violated the southern maritime boundary established by Decree No. 6433 (2011), for a two-minute period, and proceeded on its way for some 150 metres. The launch then left in the direction of occupied Palestinian territorial waters. |
| 17 September | 0847 | Off Ra's al-Naqurah, an Israeli enemy military launch violated the southern maritime boundary established by Decree No. 6433 (2011), for a two-minute period, and proceeded on its way for some 110 metres. The launch then left in the direction of occupied Palestinian territorial waters. |
| | 1855 | Off Ra's al-Naqurah, an Israeli enemy military launch violated the southern maritime boundary established by Decree No. 6433 (2011), for a three-minute period, and proceeded on its way for some 150 metres. The launch then left in the direction of occupied Palestinian territorial waters. |
| 22 September | 1738 | Off Ra's al-Naqurah, an Israeli enemy military launch violated the southern maritime boundary established by Decree No. 6433 (2011), for a three-minute period, and proceeded on its way for some 150 metres. The launch then left in the direction of occupied Palestinian territorial waters. At 1818 hours, it again violated the boundary, for a two-minute period, and proceeded on its way for 185 metres. It then left in the direction of occupied Palestinian territorial waters. |

**Air violations committed in September 2016**

| *Date* | *Time* | *Nature of violation* |
|---|---|---|
| 4 September | 0445 | An Israeli enemy reconnaissance aircraft violated Lebanese territory, entering over Kafr Killa. It circled over the Western Bekaa and the South before leaving at 0630 hours over Kafr Killa. |
| | 0945 | An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Aytarun. It circled over Riyaq and Baalbek before leaving at 2200 hours over Alma al-Sha'b. |
| 5 September | 0905 | An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over Riyaq, Baalbek and Hirmil before leaving at 1900 hours over Kafr Killa. |
| | 1530 | An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Rumaysh. It circled over the South before leaving at 2210 hours over Alma al-Sha'b. |
| 6 September | 0515 | An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Alma al-Sha'b. It circled over the South, Riyaq, Baalbek and Hirmil before leaving at 1555 hours over Kafr Killa. |
| 7 September | 0615 | An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Rumaysh. It circled over the South before leaving at 1145 hours over Rumaysh. |
| | 1300 | Two Israeli enemy warplanes violated Lebanese airspace, entering over Kafr Killa. They circled over all regions of Lebanon before leaving at 1440 hours over the sea west of Naqurah. |
| 8 September | 1220 | Four Israeli enemy warplanes violated Lebanese airspace, entering over Kafr Killa. They circled over all regions of Lebanon before leaving at 1430 hours over Alma al-Sha'b. |
| | 1350 | An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Rumaysh. It circled over the South before leaving at 1555 hours over Kafr Killa. |
| 10 September | 0800 | An Israeli enemy reconnaissance aircraft violated Lebanese territory, entering over Alma al-Sha'b. It circled over Riyaq, Baalbek, Hirmil and the South before leaving at 2115 hours over the occupied Shab'a Farms. |
| 11 September | 1010 | Two Israeli enemy warplanes violated Lebanese airspace, entering over Kafr Killa. They circled over all regions of Lebanon before leaving at 1100 hours over the sea west of Naqurah. |
| | 1018 | Two Israeli enemy warplanes violated Lebanese airspace, entering over the sea off Juniyah. They circled over all regions of Lebanon before leaving at 1300 hours over the sea off Naqurah. |
| | 1120 | Two Israeli enemy warplanes violated Lebanese airspace, entering over Aytarun. They circled over all regions of Lebanon before leaving at 1215 hours over the sea west of Naqurah. |

| *Date* | *Time* | *Nature of violation* |
|---|---|---|
| 12 September | 0655 | An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Rumaysh. It circled over the South before leaving at 1300 hours over Kafr Killa. |
| | 0850 | An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Alma al-Sha'b. It circled over Riyaq, Baalbek and Hirmil before leaving at 1725 hours over Rumaysh. |
| | 0905 | An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over Riyaq, Baalbek and Hirmil before leaving at 1700 hours over Kafr Killa. |
| 13 September | 1040 | An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Alma al-Sha'b. It circled over the South before leaving at 2310 hours over Rumaysh. |
| 14 September | 0605 | An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Kafr Killa. It circled over Riyaq, Baalbek, Hirmil and the South before leaving at 1450 hours over Alma al-Sha'b. |
| | 1035 | Two Israeli enemy warplanes violated Lebanese airspace, entering over Kafr Killa. They circled over all regions of Lebanon before leaving at 1220 hours over the sea west of Naqurah. |
| | 2250 | An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Aytarun. It circled over the South before leaving at 0800 hours over Naqurah. |
| 15 September | 0740 | An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Naqurah. It circled over the South before leaving at 2340 hours over Naqurah. |
| | 1030 | Two Israeli enemy warplanes violated Lebanese airspace, entering over Aytarun. They circled over all regions of Lebanon before leaving at 1140 hours over Alma al-Sha'b. |
| | 1050 | Two Israeli enemy warplanes violated Lebanese airspace, entering over Aytarun. They circled over all regions of Lebanon before leaving at 1215 hours over Alma al-Sha'b. |
| 16 September | 0955 | An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Kafr Killa. It circled over the Western Bekaa, the South and Beirut and its suburbs before leaving at 1835 hours over Naqurah. |
| 18 September | 0840 | An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Kafr Killa. It circled over the South before leaving at 1715 hours over the Shab'a Farms. |
| 19 September | 0600 | An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Alma al-Sha'b. It circled over Beirut and its suburbs and the South before leaving at 2230 hours over Rumaysh. |
| | 1030 | Two Israeli enemy warplanes violated Lebanese airspace, entering over Rumaysh. They circled over all regions of Lebanon before leaving at 1225 hours over Aytarun. |
| 21 September | 0610 | An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Rumaysh. It circled over Riyaq, Baalbek and Hirmil before leaving at 2015 hours over Kafr Killa. |

| *Date* | *Time* | *Nature of violation* |
|---|---|---|
| 22 September | 0705 | An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Kafr Killa. It circled over the Shuf and the South before leaving at 2215 hours over Alma al-Sha'b. |
| 24 September | 1200 | An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Rumaysh. It circled over Riyaq, Baalbek and Hirmil before leaving at 1900 hours over Kafr Killa. |
| | 2210 | An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Rumaysh. It circled over the South and the Bekaa before leaving at 0055 hours on 25 September over Alma al-Sha'b. |
| 25 September | 1030 | Two Israeli enemy warplanes violated Lebanese airspace, entering over Kafr Killa. They circled over all regions of Lebanon before leaving at 1230 hours over Alma al-Sha'b. |
| 26 September | 1110 | An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Kafr Killa. It circled over the South before leaving at 1650 hours over Alma al-Sha'b. |
| 27 September | 1040 | An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over the sea west of Naqurah. It circled over the Western Bekaa and the South before leaving at 2000 hours over Kafr Killa. |
| | 1615 | Two Israeli enemy warplanes violated Lebanese airspace, entering over Kafr Killa. They circled over all regions of Lebanon before leaving at 1710 hours over Rumaysh. |
| | 1655 | An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Kafr Killa. It circled over Riyaq, Baalbek, Hirmil, Jubayl, Kasrawan and Matn before leaving at 2215 hours over Kafr Killa. |
| | 2359 | An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Rumaysh. It circled over the Western Bekaa and the South before leaving at 0645 hours on 28 September over Kafr Killa. |
| 28 September | 1135 | An Israeli enemy reconnaissance aircraft violated Lebanese territory, entering over Kafr Killa. It circled over the Western Bekaa and the South before leaving at 1535 hours over Rumaysh. |
| | 1625 | Two Israeli enemy warplanes violated Lebanese airspace, entering over Kafr Killa. They circled over all regions of Lebanon before leaving at 1750 hours over Alma al-Sha'b. |
| 29 September | 1005 | An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Alma al-Sha'b. It circled over Riyaq, Baalbek and Hirmil before leaving at 2215 hours over Kafr Killa. |
| 30 September | 1350 | An Israeli enemy reconnaissance aircraft violated Lebanese airspace, entering over Kafr Killa. It circled over Riyaq, Baalbek and Hirmil before leaving at 1720 hours over Alma al-Sha'b. |

United Nations S/2016/935

Security Council

Distr.: General
8 November 2016

Original: English

**United Kingdom of Great Britain and Northern Ireland: draft resolution**

*The Security Council,*

*Recalling* all its previous relevant resolutions concerning the conflicts in the Former Yugoslavia and relevant statements of its President, including resolutions 1031 (1995) of 15 December 1995, 1088 (1996) of 12 December 1996, 1423 (2002) of 12 July 2002, 1491 (2003) of 11 July 2003, 1551 (2004) of 9 July 2004, 1575 (2004) of 22 November 2004, 1639 (2005) of 21 November 2005, 1722 (2006) of 21 November 2006, 1764 (2007) of 29 June 2007, 1785 (2007) of 21 November 2007, 1845 (2008) of 20 November 2008, 1869 (2009) of 25 March 2009, 1895 (2009) of 18 November 2009, 1948 (2010) of 18 November 2010, 2019 (2011) of 16 November 2011, 2074 (2012) of 14 November 2012, 2123 (2013) of 12 November 2013, 2183 (2014) of 11 November 2014, and 2247 (2015) of 10 November 2015,

*Reaffirming* its commitment to the political settlement of the conflicts in the Former Yugoslavia, preserving the sovereignty and territorial integrity of all States there within their internationally recognized borders,

*Underlining* its commitment to support the implementation of the General Framework Agreement for Peace in Bosnia and Herzegovina and the annexes thereto (collectively the Peace Agreement, S/1995/999, Annex), as well as the relevant decisions of the Peace Implementation Council (PIC),

*Noting* the reports of the High Representative, including his latest report of 28 October 2016,

*Welcoming* the progress in the implementation of the Reform Agenda, adopted by Bosnia and Herzegovina in July 2015 and calling on the leadership of Bosnia and Herzegovina to maintain positive momentum in implementing the reforms, in line with citizen's demands and in cooperation with civil society,

*Encouraging* the authorities of Bosnia and Herzegovina, with the support of the international community, to accelerate their efforts to address the disposal of excess ammunition,

*Recalling* all the agreements concerning the status of forces referred to in Appendix B to Annex 1-A of the Peace Agreement, and reminding the parties of their obligation to continue to comply therewith,

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*Further recalling* the provisions of its resolution 1551 (2004) concerning the provisional application of the status of forces agreements contained in Appendix B to Annex 1-A of the Peace Agreement,

*Welcoming* the continued presence of EUFOR ALTHEA, successfully focusing on capacity-building and training while also retaining the capability to contribute to the Bosnia and Herzegovina authorities' deterrence capacity if the situation so requires,

*Reiterating* its calls on the competent authorities in Bosnia and Herzegovina to take necessary steps to complete the 5+2 agenda, which remains necessary for closure of the Office of the High Representative, as confirmed by the PIC Steering Board communiqués,

*Reaffirming* provisions concerning the High Representative as set out in its previous resolutions, and *further reaffirming* Article V of Annex 10 of the Peace Agreement regarding the High Representative's final authority in theatre in the interpretation of the civilian implementation of the Agreement,

*Taking note* of the continued support expressed by Bosnia and Herzegovina's leadership towards a European perspective, on the basis of the Peace Agreement, including through the submission of Bosnia and Herzegovina's EU membership application in February 2016,

*Taking note* of the EU's planned strategic review in autumn 2017,

*Recognizing* that the security environment has remained calm and stable, and noting that the Bosnia and Herzegovina authorities have so far proven capable to deal with threats to the safe and secure environment,

*Determining* that the situation in the region continues to constitute a threat to international peace and security,

*Acting* under Chapter VII of the Charter of the United Nations,

1. *Reiterates* that the primary responsibility for the further successful implementation of the Peace Agreement lies with all the authorities in Bosnia and Herzegovina themselves and notes the continued willingness of the international community and major donors to support them in implementing the Peace Agreement, and calls upon all the authorities in Bosnia and Herzegovina to fully cooperate with the International Criminal Tribunal for the Former Yugoslavia, as well as with the International Residual Mechanism for Criminal Tribunals, in order to complete its work and facilitate the closure of the Tribunal as expeditiously as possible;

2. *Welcomes* the EU's intention to maintain an EU military operation (EUFOR ALTHEA) in Bosnia and Herzegovina from November 2016;

3. *Authorizes* the Member States acting through or in cooperation with the EU to establish for a further period of twelve months, starting from the date of the adoption of this resolution, a multinational stabilization force (EUFOR ALTHEA) as a legal successor to SFOR under unified command and control, which will fulfil its missions in relation to the implementation of Annex 1-A and Annex 2 of the Peace Agreement in cooperation with the NATO Headquarters presence in accordance with the arrangements agreed between NATO and the EU as communicated to the

Security Council in their letters of 19 November 2004, which recognize that EUFOR ALTHEA will have the main peace stabilization role under the military aspects of the Peace Agreement;

4. *Decides* to renew the authorization provided by paragraph 11 of its resolution 2183 (2014) for a further period of twelve months starting from the date of adoption of this resolution;

5. *Authorizes* the Member States acting under paragraph 3 and 4 above to take all necessary measures to effect the implementation of and to ensure compliance with annexes 1-A and 2 of the Peace Agreement, stresses that the parties shall continue to be held equally responsible for the compliance with that annex and shall be equally subject to such enforcement action by EUFOR ALTHEA and the NATO presence as may be necessary to ensure implementation of those annexes and the protection of EUFOR ALTHEA and the NATO presence;

6. *Authorizes* Member States to take all necessary measures, at the request of either EUFOR ALTHEA or the NATO Headquarters, in defence of the EUFOR ALTHEA or NATO presence respectively, and to assist both organizations in carrying out their missions, and recognizes the right of both EUFOR ALTHEA and the NATO presence to take all necessary measures to defend themselves from attack or threat of attack;

7. *Authorizes* the Member States acting under paragraph 3 and 4 above, in accordance with annex 1-A of the Peace Agreement, to take all necessary measures to ensure compliance with the rules and procedures governing command and control of airspace over Bosnia and Herzegovina with respect to all civilian and military air traffic;

8. *Urges* the parties, in accordance with the Peace Agreement, to abide to their commitment to cooperate fully with all institutions involved in the implementation of this peace settlement, as described in the Peace Agreement, including Annex 4;

9. *Reaffirms* that under the Peace Agreement, Bosnia and Herzegovina consists of two entities, which exist legally by virtue of the Bosnia and Herzegovina Constitution, and further reaffirms that any change to the Constitution must be made in accordance with the amendment procedure prescribed therein;

10. *Decides* to remain seized of the matter.

United Nations S/2016/936

Security Council

Distr.: General
9 November 2016
English
Original: Russian

**Letter dated 4 November 2016 from the Chargé d'affaires a.i. of the Permanent Mission of the Russian Federation to the United Nations addressed to the Secretary-General**

I have the honour to transmit herewith information bulletins from the Russian Centre for Reconciliation of Opposing Sides in the Syrian Arab Republic for 1-3 November 2016 (see annex).

I should be grateful if you would arrange for these bulletins to be circulated as a document of the Security Council.

(*Signed*) Petr **Iliichev**
Chargé d'affaires a.i.

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## Annex to the letter dated 4 November 2016 from the Chargé d'affaires a.i. of the Permanent Mission of the Russian Federation to the United Nations addressed to the Secretary-General

## Information bulletin from the Russian Centre for Reconciliation of Opposing Sides in the Syrian Arab Republic (1 November 2016)

### Reconciliation of opposing sides

Over the past 24 hours, reconciliation agreements have been signed with representatives of four populated areas in Ladhiqiyah governorate (2) and Hama governorate (2).

The number of populated areas that have joined the reconciliation process has increased to 877.

Negotiations on joining the ceasefire regime continued with field commanders of illegal armed groups in Mu'addamiyat al-Sham in Damascus governorate and armed opposition groups in Homs, Aleppo and Qunaytirah governorates.

The number of armed groups that have announced their commitment to accepting and fulfilling the terms of the ceasefire is unchanged — it is still 69.

### Observance of the ceasefire regime

Over the past 24 hours, there were 41 reports of shelling by illegal armed groups in Aleppo governorate (17), Damascus governorate (19), Ladhiqiyah governorate (3), Dar'a governorate (1) and Hama governorate (1).

Armed groups that had announced a cessation of hostilities used improvised multiple-launch rocket systems, mortars and small arms to fire on Harasta, Jawbar, Bala al-Qadimah, Duma, Baliyah, a farm in Qusayr and the area at elevation point 612 in Damascus governorate; Qizil Dagh, government troop positions on Abu Ali mountain and the area at elevation point 465 in Ladhiqiyah governorate; and the Ansari neighbourhood in Aleppo city.

Armed units of terrorist groups using improvised multiple-launch rocket systems, tube artillery, mortars and small arms fired on Ansar in Aleppo governorate and also on the 3000, 1070, Ansari, Mashariqah, Maydan, Salah al-Din, Hamdaniyah-4 and Sulayman al-Halabi neighbourhoods, Assad Military Academy, the Castello trade centre and the area near the former military school in Aleppo city.

In Damascus governorate, the following were shelled: Duma, Harasta, Hawsh Nasri, Arbil, Jawbar, Ibn al-Walid Hospital in Duma and a sports ground in Jawbar.

In Hama governorate, terrorists shelled Kawkab.

In Namir in Dar'a governorate, fighters from Jabhat Fath al-Sham deployed an unmanned aerial vehicle fitted with an explosive device.

The Russian and Syrian air forces did not carry out any strikes against opposition armed groups which announced that they would cease hostilities and informed the Russian or American reconciliation centres of their location.

**Provision of humanitarian aid to the population of the Syrian Arab Republic**

Eight humanitarian operations were carried out, during which the following humanitarian cargoes were delivered to civilians:

Approximately 1.5 tons to Ayyubah in Qunaytirah governorate;

3 tons to the area near the National Reconciliation Centre in Hama city;

Approximately 600 kg to the military hospital in Tartus city;

Approximately 1 ton to the central hospital in Tartus city;

Approximately 200 kg to the maternity hospital in Tartus city;

300 kg to the military hospital in Aleppo city;

150 kg to the home for the elderly in Aleppo city;

Approximately 100 kg to the girls' orphanage in Aleppo city.

Centres providing hot meals and supplying urgent necessities are continuing to operate for civilians who leave districts of Aleppo city that are under the control of illegal armed groups.

## Information bulletin from the Russian Centre for Reconciliation of Opposing Sides in the Syrian Arab Republic (2 November 2016)

### Reconciliation of opposing sides

Over the past 24 hours, reconciliation agreements have been signed with representatives of two populated areas in Ladhiqiyah governorate.

The number of populated areas that have joined the reconciliation process has increased to 879.

Negotiations on joining the ceasefire regime continued with field commanders of illegal armed groups in Mu'addamiyat al-Sham in Damascus governorate and armed opposition groups in Homs, Aleppo and Qunaytirah governorates.

The number of armed groups that have announced their commitment to accepting and fulfilling the terms of the ceasefire is unchanged — it is still 69.

### Observance of the ceasefire regime

Over the past 24 hours, there were 46 reports of shelling by illegal armed groups in Damascus governorate (20), Aleppo governorate (18), Ladhiqiyah governorate (3), Dar'a governorate (2), Hama governorate (2) and Suwayda' governorate (1).

Armed groups that had announced a cessation of hostilities used improvised multiple-launch rocket systems, mortars and small arms to fire on the Antari neighbourhood of Aleppo city; Jawbar, Baliyah, Harasta, Duma, Bala al-Qadimah, a farm in Qusayr and the area at elevation point 612 in Damascus governorate, and also the Adawi district of Damascus city; Ayn al-Qantarah, Kinnsibba and Tabl in Ladhiqiyah governorate; and Tall al-Gharbi hill in Suwayda' governorate.

Armed units of terrorist groups using improvised multiple-launch rocket systems, tube artillery, mortars and small arms fired on Ansar and Hadir in Aleppo governorate and also on the 3000, Binyamin, Ansari, Hamdaniyah-4, Sulayman al-Halabi, Mashariqah, 1070 and Salah al-Din neighbourhoods, Assad Military Academy (four times), the area near the former military school and the Castello trade centre (twice) in Aleppo city.

In Damascus governorate, the following were shelled: Khan al-Shih, Harasta, Jawbar (twice), Bala al-Qadimah, Hawsh Nasri (twice), Duma (twice), a sports ground and a power plant in Jawbar, and Ibn al-Walid Hospital.

In Dar'a governorate, terrorists shelled Namir and Qarfa.

In Hama governorate, dwellings and a thermal power plant in Muhradah were shelled.

The Russian and Syrian air forces did not carry out any strikes against opposition armed groups which announced that they would cease hostilities and informed the Russian or American reconciliation centres of their location.

**Provision of humanitarian aid to the population of the Syrian Arab Republic**

Five humanitarian operations were carried out, during which the following humanitarian cargoes were delivered to civilians:

Approximately 1 ton to Salamiyah in Hama governorate;

Approximately 1.5 tons to the university hospital in Aleppo city;

400 kg to Yusuf al-Azmah Military Hospital in Damascus city;

300 kg to Ahmed Hamish Military Hospital in Damascus city;

300 kg to Khalid Saqqa Amini Military Hospital in the Qatana district of Damascus city.

Centres providing hot meals and supplying urgent necessities are continuing to operate for civilians who leave districts of Aleppo city that are under the control of illegal armed groups.

## Information bulletin from the Russian Centre for Reconciliation of Opposing Sides in the Syrian Arab Republic (3 November 2016)

### Reconciliation of opposing sides

Over the past 24 hours, reconciliation agreements have been signed with representatives of five populated areas in Ladhiqiyah governorate (4) and Hama governorate (1).

The number of populated areas that have joined the reconciliation process has increased to 884.

Negotiations on joining the ceasefire regime continued with field commanders of illegal armed groups in Mu'addamiyat al-Sham in Damascus governorate and armed opposition groups in Homs, Aleppo and Qunaytirah governorates.

The number of armed groups that have announced their commitment to accepting and fulfilling the terms of the ceasefire is unchanged — it is still 69.

### Observance of the ceasefire regime

Over the past 24 hours, there were 39 reports of shelling by illegal armed groups in Damascus governorate (16), Aleppo governorate (15), Dar'a governorate (6), Ladhiqiyah governorate (1) and Hama governorate (1).

Armed groups that had announced a cessation of hostilities used mortars and small arms to fire on the Mashariqah neighbourhood of Aleppo city; Baliyah, Harasta, Jawbar, Duma, Bala al-Qadimah, a farm in Qusayr and the area at elevation point 612 in Damascus governorate; and Bayt-Ziwan in Ladhiqiyah governorate.

Armed units of terrorist groups using improvised multiple-launch rocket systems, tube artillery, mortars and small arms fired on Ansar and Shurfah and also on the Maydan, Ansari, Hamdaniyah-4, 1070 (twice), Binyamin, Aryan and 3000 neighbourhoods, Assad Military Academy (twice), checkpoint No. 1 on the Castello road and the area near the former military school in Aleppo governorate.

In Damascus governorate, the following were shelled: Arbil, Harasta (twice), Jawbar (three times), Bala al-Qadimah, the highway near the populated area of Qassa' and the Wafidin camp.

In Dar'a governorate, terrorists shelled Uthman (twice), Qunyah, Namir, Jabha and the area near Tall al-Khidr mountain.

In Hama governorate, Suran was shelled.

The Russian and Syrian air forces did not carry out any strikes against opposition armed groups which announced that they would cease hostilities and informed the Russian or American reconciliation centres of their location.

### Provision of humanitarian aid to the population of the Syrian Arab Republic

Three humanitarian operations were carried out in Homs city, during which the following humanitarian cargoes were delivered to civilians:

Approximately 100 kg to the Workers' Hospital in the district of Harmat;

Approximately 250 kg to Bassel Hospital in the district of Karm al-Lawz;

250 kg to the branch of Bassel Hospital in the district of Zahra'.

Centres providing hot meals and supplying urgent necessities are continuing to operate for civilians who leave districts of Aleppo city that are under the control of illegal armed groups.

United Nations S/2016/937

Security Council

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11 November 2016

Original: English

**Letter dated 7 November 2016 from the Permanent Representative of Yemen to the United Nations addressed to the Secretary-General**

Please find attached herewith a statement of the Government of the Republic of Yemen on the United Nations road map for Yemen (see annex).

I would appreciate it if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Khaled H. **Alyemany**
Ambassador
Permanent Representative

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## Annex to the letter dated 7 November 2016 from the Permanent Representative of Yemen to the United Nations addressed to the Secretary-General

[Original: Arabic]
7 November 2016

### Statement of the Government of Yemen on the Road Map

- The Government of Yemen reiterates its firm and principled position that the crisis in Yemen must be resolved by peaceful means under the auspices of the United Nations and in accordance with the terms of reference, which are the Gulf Cooperation Council initiative and its implementing mechanism, the outcomes of the comprehensive National Dialogue Conference and the relevant Security Council resolutions, in particular resolution 2216 (2015). Accordingly, the Government of Yemen has, in good faith, negotiated with the coup perpetrators on several occasions in Biel, Geneva and Kuwait.

- All Security Council resolutions concerning Yemen have reflected the unanimous support of the Council for the legitimate Government of Yemen, because the Government is the partner of the United Nations and the 18 States that are overseeing the peaceful political transition process that began after the former President relinquished power in November 2011. In all of those resolutions, the Council urges all parties and Member States not to take any action that threatens the unity, sovereignty, independence and territorial integrity of the Republic of Yemen.

- Two years after their coup against the legitimate Government of Yemen, the Houthi militias and their ally, former President Ali Abdullah Saleh, continue their blatant aggression against all regions of Yemen, and continue to loot and impoverish the State. They have collectively punished the people of Tai'zz governorate by denying them access to urgently needed humanitarian aid relief; attacking civilians, hospitals, and educational centres, which they have turned into military barracks; and using children in the armed conflict. They continue to use Iranian-made rockets to target civilian and residential structures in the border regions of the Kingdom of Saudi Arabia and to target ships in international sea lanes in the Red Sea.

- The Government of Yemen emphasizes the urgent need to return to the negotiating table to complete the peace talks that lasted for more than 100 days in Kuwait, so as to reach a peace agreement in accordance with the steps set out in Security Council resolution 2216 (2015), culminating with the conclusion of political arrangements to complete the drafting of the constitution and putting it to a referendum, and then holding general elections.

- The Government of Yemen expresses its appreciation for the popular position taken by all political and social actors, elected local authorities and military and security commanders in all governorates. Their position is a clear mandate from the people that the leadership of the legitimate Government should continue on the path of peace and reject any attempts to deviate from the internationally recognized terms of reference.

- Accordingly, the Government of Yemen, by accepting the road map proposed by the Special Adviser, is affirming that it does not reject the efforts of the United Nations. Indeed, we continue to count on the Organization's efforts to revive the peace process, on which the Houthis and Ali Abdullah Saleh have turned their backs. In order for these efforts to be fruitful, it is imperative that they remain consistent with all United Nations resolutions and maintain the partnership between the legitimate Government, led by President Abdrabuh Mansour Hadi, and the United Nations, which are striving to revive the peace process and put an end to the coup. Accordingly, there must be no attempt to diminish the role of the presidency, because it is one the institutions that will ensure that this process is completed, concluding with the holding of general and presidential elections at the end of the transitional period.

- Acceptance of the road map will be contingent on making fundamental changes that are in line with United Nations resolutions. It will also require all those who are covered by the relevant Security Council resolutions and those who are impeding the settlement process to clarify their status and their role in the political process. The road map must also not overlook the many political, geographical, social and cultural tenets of the Yemeni people.

United Nations S/2016/938

Security Council

Distr.: General
7 November 2016

Original: English

# Letter dated 3 November 2016 from the President of the Governing Council of the United Nations Compensation Commission addressed to the President of the Security Council

I am pleased to provide my report, as the President of the Governing Council of the United Nations Compensation Commission, on the results of the Council's eighty-first session, which was held in Geneva on 2 November 2016. The full text of the conclusions adopted by the Council, together with additional documentation, is attached.[1] I would, however, like to highlight a few of the issues discussed during the session.

During the opening plenary meeting, delegations from the Governments of Kuwait and Iraq, including a delegation from Iraq's Committee of Financial Experts, which is responsible for the oversight of Iraq's oil revenues, addressed the Council.

At the session, the Governing Council considered Iraq's request for an additional postponement of the requirements under Security Council resolution 1956 (2010) that Iraq deposit 5 per cent of the proceeds from all export sales of petroleum, petroleum products and natural gas, and 5 percent of the value of any non-monetary payments of petroleum, petroleum products and natural gas made to service providers, into the United Nations Compensation Fund unless the Government of Iraq and the Governing Council, in the exercise of its authority over the methods of ensuring that payments are made into the Fund, decide otherwise. In considering Iraq's request, the Governing Council noted that the extraordinarily difficult security circumstances in Iraq had continued since the Council's adoption of decisions 272 (2014) and 273 (2015) which postponed Iraq's obligations over the course of 2015 and 2016, respectively.

After careful consideration, the Council adopted decision 274 (S/AC.26/Dec.274 (2016)), a copy of which is also attached.[1] This decision postponed the requirements set out above until 1 January 2018, with payments towards the Commission's outstanding award resuming in 2018 in accordance with Council decision 267 (2009). In adopting this decision, the Council noted with appreciation Kuwait's support for Iraq's request and Iraq's continued commitment to complying with its obligations as set out in paragraph 3 of Security Council resolution 1956 (2010). The Council also stressed the importance of Iraq fulfilling

[1] Not included in the present document.



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its obligations in a timely manner, of the integrity of the Commission and of bringing the Commission's mandate to a conclusion.

I would like to highlight paragraphs 5 and 6 of decision 274 (2016), pursuant to which the Secretariat has been directed to explore options to ensure the continuation of the payment of the $4.6 billion that remains owing to Kuwait and to report back to the Council, and that the Governments of Iraq and Kuwait have been encouraged to collaborate on future options to be shared with the Secretariat.

With regard to Iraq's request for access to the archives of the Commission, the Council took note of the statements made by the delegation of Iraq at the opening plenary session and reaffirmed its previous positions regarding the request.

The Council adopted the report of the Committee on Administrative Matters, which met during the session and approved the Commission's budget for 2017.

The next session of the Governing Council has been tentatively scheduled for 24 April 2017.

(*Signed*) Ana María **Menéndez Pérez**
Ambassador
President of the Governing Council

United Nations S/2016/939

Security Council

Distr.: General
9 November 2016

Original: English

**France, Japan, Malaysia, New Zealand, Spain, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America and Uruguay: draft resolution**

*The Security Council,*

*Recalling* its previous resolutions concerning the situation in Somalia, especially resolutions 1814 (2008), 1816 (2008), 1838 (2008), 1844 (2008), 1846 (2008), 1851 (2008), 1897 (2009), 1918 (2010), 1950 (2010), 1976 (2011), 2015 (2011), 2020 (2011), 2077 (2012), 2125 (2013), 2184 (2014), and 2246 (2015) as well as the Statement of its President (S/PRST/2010/16) of 25 August 2010 and (S/PRST/2012/24) of 19 November 2012,

*Welcoming* the report of the Secretary-General (S/2016/843), as requested by resolution 2246 (2015), on the implementation of that resolution and on the situation with respect to piracy and armed robbery at sea off the coast of Somalia,

*Reaffirming* its respect for the sovereignty, territorial integrity, political independence, and unity of Somalia, including Somalia's sovereign rights in accordance with international law, with respect to offshore natural resources, including fisheries,

*Noting* that the joint counter-piracy efforts of States, regions, organizations, the maritime industry, the private sector, think tanks, and civil society have resulted in a steady decline in pirate attacks as well as hijackings since 2011, and *continuing* to be gravely concerned by the ongoing threat that resurgent piracy and armed robbery at sea poses to the prompt, safe, and effective delivery of humanitarian aid to Somalia and the region, to the safety of seafarers and other persons, to international navigation and the safety of commercial maritime routes, and to other ships, including fishing vessels operating in conformity with international law,

*Further reaffirming* that international law, as reflected in the United Nations Convention on the Law of the Sea of 10 December 1982 ("The Convention"), sets out the legal framework applicable to activities in the ocean, including countering piracy and armed robbery at sea,

*Recognizing* the need to investigate and prosecute not only suspects captured at sea, but also anyone who incites or intentionally facilitates piracy operations, including key figures of criminal networks involved in piracy who plan, organize, facilitate, or illicitly finance or profit from such attacks, and *reiterating* its concern over persons suspected of piracy having been released without facing justice,



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reaffirming that the failure to prosecute persons responsible for acts of piracy and armed robbery at sea off the coast of Somalia undermines anti-piracy efforts,

*Noting* with concern that the continuing limited capacity and domestic legislation to facilitate the custody and prosecution of suspected pirates after their capture has hindered more robust international action against pirates off the coast of Somalia, which has led to pirates being released without facing justice, regardless of whether there is sufficient evidence to support prosecution, and reiterating that, consistent with the provisions of The Convention concerning the repression of piracy, the 1988 Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation ("SUA Convention") provides for parties to create criminal offences, establish jurisdiction, and accept delivery of persons responsible for, or suspected of seizing, or exercising control over, a ship by force or threat thereof, or any other form of intimidation,

*Underlining* the primary responsibility of the Somali authorities in the fight against piracy and armed robbery at sea off the coast of Somalia, noting the several requests from Somali authorities for international assistance to counter piracy off its coast, including the letter of 24 October 2016, from the Chargé d'affaires a.i. of the Permanent Mission of Somalia to the United Nations *expressing* the appreciation of Somali authorities to the Security Council for its assistance, expressing their willingness to consider working with other States and regional organizations to combat piracy and armed robbery at sea off the coast of Somalia, asking member states and international organizations to support the Federal Government of Somalia in its efforts to address illegal, unreported, and unregulated fishing in its Exclusive Economic Zone, and *requesting* that the provisions of resolution 2246 (2015) be renewed for an additional twelve months,

*Welcoming* the participation of the Federal Government of Somalia and regional partners in the 19th plenary session of the Contact Group on Piracy off the Coast of Somalia (CGPCS), hosted by the Seychelles in Victoria, Seychelles, 31 May-3 June 2016,

*Recognizing* the work of the CGPCS and the Law Enforcement Task Force to facilitate the prosecution of suspected pirates, and of the Working Group on Capacity Building of the CGPCS to coordinate judicial, penal, and maritime capacity-building efforts to enable regional states to better tackle piracy,

*Welcoming* the financing provided by the Trust Fund to Support Initiatives of States Combating Piracy off the Coast of Somalia (the Trust Fund) to strengthen regional ability to prosecute suspected pirates and imprison those convicted in accordance with applicable international human rights law, *noting* with appreciation the assistance provided by the United Nations Office on Drugs and Crime (UNODC) Maritime Crime Programme, and being determined to continue efforts to ensure that pirates are held accountable,

*Commending* the efforts of the EU Naval Force (EUNAVFOR) Operation Atalanta, North Atlantic Treaty Organization Operation Ocean Shield, Combined Maritime Forces' Combined Task Force 151, the counter-piracy activities of the African Union onshore in Somalia and the naval activities of the Southern Africa Development Community, and other States acting in a national capacity in cooperation with Somali authorities and each other to suppress piracy and to protect

ships transiting through the waters off the coast of Somalia, and *welcoming* the Shared Awareness and Deconfliction Initiative (SHADE) and the efforts of individual countries, including China, India, the Islamic Republic of Iran, Japan, Republic of Korea, and the Russian Federation, which have deployed naval counter-piracy missions in the region,

*Noting* the efforts of flag States for taking measures to permit vessels sailing under their flag transiting the High Risk Area (HRA) to embark vessel protection detachments and privately contracted armed security personnel (PCASP), and to allow charters that favour arrangements that make use of such measures, while urging States to regulate such activities in accordance with applicable international law,

*Noting* that HRA boundaries are set and defined by the insurance and maritime industry, and have been redefined in December 2015,

*Welcoming* the capacity-building efforts in the region made by the International Maritime Organization (IMO)-funded Djibouti Code of Conduct, the Trust Fund and the European Union's activities under the EU Mission on Regional Maritime Capacity Building in the Horn of Africa (EUCAP Nestor), which is working with the Federal Government of Somalia to strengthen its criminal justice system, and *recognizing* the need for all engaged international and regional organizations to coordinate and cooperate fully,

*Supporting* the development of a coastal police force, *noting* with appreciation the efforts made by IMO and the shipping industry to develop and update guidance, best management practices, and recommendations to assist ships to prevent and suppress piracy attacks off the coast of Somalia, including in the Gulf of Aden, and in relevant parts of the Indian Ocean that are still within the High Risk Area and *recognizing* the work of IMO and the CGPCS in this regard, *noting* the efforts of the International Organization for Standardization, which has developed industry standards of training and certification for Private Maritime Security Companies when providing PCASP on board ships in high-risk areas, and further welcoming the European Union's EUCAP Nestor, which is working to develop the maritime security capacities of Somalia,

*Underlining* the importance of continuing to enhance the collection, preservation, and transmission to competent authorities of evidence of acts of piracy and armed robbery at sea off the coast of Somalia, and *welcoming* the ongoing work of IMO, INTERPOL, and industry groups to develop guidance to seafarers on preservation of crime scenes following acts of piracy, and *noting* the importance of enabling seafarers to give evidence in criminal proceedings to prosecute acts of piracy,

*Further recognizing* that pirate networks continue to rely on kidnapping and hostage-taking to help generate funding to purchase weapons, gain recruits, and continue their operational activities, thereby jeopardizing the safety and security of civilians and restricting the flow of commerce, and *welcoming* international efforts to coordinate the work of investigators and prosecutors, inter alia, through the Law Enforcement Task Force and collect and share information to disrupt the pirate enterprise, as exemplified by INTERPOL's Global Database on Maritime Piracy, and *taking note* of the ongoing efforts of the Regional Fusion and Law Enforcement

Centre for Safety and Security at Sea, hosted by Seychelles to combat piracy and transnational organized crime,

*Reaffirming* international condemnation of acts of kidnapping and hostage-taking, including offences contained within the International Convention against the Taking of Hostages, strongly *condemning* the continuing practice of hostage-taking by pirates operating off the coast of Somalia, *expressing* serious concern at the inhumane conditions hostages face in captivity, *recognizing* the adverse impact on their families, *calling* for the immediate release of all hostages, and *noting* the importance of cooperation between Member States on the issue of hostage-taking and the prosecution of suspected pirates for taking hostages,

*Commending* Kenya, Mauritius, Tanzania, and Seychelles, for their efforts to prosecute suspected pirates in their national courts, and *noting* with appreciation the assistance provided by the UNODC Maritime Crime Programme, the Trust Fund, and other international organizations and donors, in coordination with the CGPCS, to support Kenya, Mauritius, Seychelles, Tanzania, Somalia, and other States in the region with their efforts to prosecute, or incarcerate in a third State after prosecution elsewhere, pirates, including facilitators and financiers ashore, consistent with applicable international human rights law, and *emphasizing* the need for States and international organizations to further enhance international efforts in this regard,

*Welcoming* the readiness of the national and regional administrations of Somalia to cooperate with each other and with States who have prosecuted suspected pirates with a view to enabling convicted pirates to be repatriated back to Somalia under suitable prisoner transfer arrangements, consistent with applicable international law, including international human rights law, and *acknowledging* the return from Seychelles to Somalia of convicted prisoners willing and eligible to serve their sentences in Somalia,

*Welcoming* the work of the Maritime Security Coordination Committee (MSCC), as an important mechanism of information sharing, and *encouraging* the Somali national and regional administrations to take increasing responsibility for counter-piracy initiatives,

*Expressing* serious concern over reports of illegal, unreported and unregulated fishing (IUU) in Somalia's Exclusive Economic Zone (EEZ), and *noting* the complex relationship between IUU fishing and piracy, *recognizing* that IUU fishing accounts for millions of dollars in lost revenue for Somalia each year, and can contribute to destabilization among coastal communities,

*Noting* Somalia's accession to the FAO's Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing, *recognizing* the projects supported by FAO and UNODC aimed at enhancing the Somalia's capacity to combat such activities, and *stressing* the need for States and international organizations to further intensify their support to the Federal Government of Somalia, at its request, in enhancing Somalia's capacity to combat such activities,

*Recognizing* the ongoing efforts of the Federal Government of Somalia towards the development of a legal regime for the distribution of fishing licences, and encouraging further efforts in this regard, with the support of the international community,

*Recalling* the reports of the Secretary-General which illustrate the seriousness of piracy and armed robbery at sea off the coast of Somalia and provide useful guidance for the investigation and prosecution of pirates, including on specialized anti-piracy courts,

*Stressing* the need for States to consider possible methods to assist the seafarers who are victims of pirates, and welcoming in this regard the efforts of the "Hostage Support Programme" and the Piracy Survivor Family Fund launched at the 2014 CGPCS to provide support to hostages during their release and return home, as well as to their families throughout the hostage situation,

*Recognizing* the progress made by the CGPCS and UNODC in the use of public information tools to raise awareness of the dangers of piracy and highlight the best practices to eradicate this criminal phenomenon,

*Noting* efforts by UNODC and UNDP and the funding provided by the Trust Fund, the European Union, the United Kingdom, the United States, and other donors to develop regional judicial and law enforcement capacity to investigate, arrest, and prosecute suspected pirates and to incarcerate convicted pirates consistent with applicable international human rights law,

*Bearing in mind* the Djibouti Code of Conduct concerning the Repression of Piracy and Armed Robbery against Ships in the Western Indian Ocean and the Gulf of Aden, *noting* the operations of information-sharing centres in Yemen, Kenya, and Tanzania, *recognizing* the efforts of signatory States to develop the appropriate regulatory and legislative frameworks to combat piracy, enhance their capacity to patrol the waters of the region, interdict suspect vessels, and prosecute suspected pirates,

*Emphasizing* that peace and stability within Somalia, the strengthening of State institutions, economic and social development, and respect for human rights and the rule of law are necessary to create the conditions for a durable eradication of piracy and armed robbery at sea off the coast of Somalia, and further *emphasizing* that Somalia's long-term security rests with the effective development by Somali authorities of the Somali National Army and Somali Police Force,

*Welcoming* the Padang Communique and Maritime Cooperation Declaration adopted by the Indian Ocean Rim Association (IORA) at its 15th Council of Ministers meeting, which call upon members to support and strengthen cooperation to address maritime challenges including piracy and illegal trafficking of drugs, and welcoming Somalia's October 2016 signing of the IORA charter to formally become a member State, thereby strengthening Somalia's cooperation with its neighbours on maritime safety and security,

*Recognizing* that the ongoing instability in Somalia and the acts of piracy and armed robbery at sea off its coast are inextricably linked, and stressing the need to continue the comprehensive response by the international community to repress piracy and armed robbery at sea and tackle its underlying causes,

*Determining* that the incidents of piracy and armed robbery at sea off the coast of Somalia, as well as the activity of pirate groups in Somalia, are an important factor exacerbating the situation in Somalia, which continues to constitute a threat to international peace and security in the region,

*Acting* under Chapter VII of the Charter of the United Nations,

1. *Reiterates* that it condemns and deplores all acts of piracy and armed robbery at sea off the coast of Somalia;

2. *While noting* improvements in Somalia, *recognizes* that piracy exacerbates instability in Somalia by introducing large amounts of illicit cash that fuels additional crime and corruption;

3. *Stresses* the need for a comprehensive response to prevent and suppress piracy and tackle its underlying causes by the international community;

4. *Underlines* the primary responsibility of the Somali authorities in the fight against piracy and armed robbery at sea off the coast of Somalia, *welcomes* the draft coast guard law which the Somali authorities, with the support of the European Union Naval Force (EUNAVFOR) Operation Atalanta and EUCAP Nestor have submitted to the Council of Ministers for approval by Parliament and *urges* the Somali authorities, to continue their work to pass a comprehensive set of anti-piracy and maritime laws without further delay and establish security forces with clear roles and jurisdictions to enforce these laws and to continue to develop, with international support as appropriate, the capacity of Somali courts to investigate and prosecute persons responsible for acts of piracy and armed robbery, including key figures of criminal networks involved in piracy who plan, organize, facilitate, or illicitly finance or profit from such attacks;

5. *Recognizes* the need to continue investigating and prosecuting those who plan, organize, or illicitly finance or profit from pirate attacks off the coast of Somalia, including key figures of criminal networks involved in piracy, *urges* States, working in conjunction with relevant international organizations, to adopt legislation to facilitate prosecution of suspected pirates off the coast of Somalia;

6. *Calls upon* the Somali authorities to interdict, and upon interdiction to have mechanisms in place to safely return effects seized by pirates, investigate and prosecute pirates and to patrol the waters off the coast of Somalia to prevent and suppress acts of piracy and armed robbery at sea;

7. *Calls upon* the Somali authorities to make all efforts to bring to justice those who are using Somali territory to plan, facilitate, or undertake criminal acts of piracy and armed robbery at sea, and calls upon Member States to assist Somalia, at the request of Somali authorities and with notification to the Secretary-General, to strengthen maritime capacity in Somalia, including regional authorities, and stresses that any measures undertaken pursuant to this paragraph shall be consistent with applicable international law, in particular international human rights law;

8. *Calls upon* States to cooperate also, as appropriate, on the issue of hostage-taking, and the prosecution of suspected pirates for taking hostages;

9. *Calls for* the immediate and unconditional release of all seafarers held hostage by Somali pirates, and further calls upon the Somali authorities and all relevant stakeholders to redouble their efforts to secure their safe and immediate release;

10. *Welcomes* the initiative of the Seychelles authorities to establish a court for piracy and maritime crime and further *welcomes* the successful prosecution of piracy cases by this body;

11. *Recognizes* the need for States, international and regional organizations, and other appropriate partners to exchange evidence and information for anti-piracy law enforcement purposes with a view to ensuring effective prosecution of suspected, and imprisonment of convicted, pirates and with a view to the arrest and prosecution of key figures of criminal networks involved in piracy who plan, organize, facilitate, or illicitly finance and profit from piracy operations, and keeps under review the possibility of applying targeted sanctions against individuals or entities that plan, organize, facilitate, or illicitly finance or profit from piracy operations if they meet the listing criteria set out in paragraph 43 of resolution 2093 (2013), and *calls* upon all States to cooperate fully with the Somalia and Eritrea Monitoring Group, including on information sharing regarding possible violations of the arms embargo or charcoal ban;

12. *Renews* its call upon States and regional organizations that are able to do so to take part in the fight against piracy and armed robbery at sea off the coast of Somalia, in particular, consistent with this resolution and international law, by deploying naval vessels, arms, and military aircraft, by providing basing and logistical support for counter-piracy forces, and by seizing and disposing of boats, vessels, arms, and other related equipment used in the commission of piracy and armed robbery at sea off the coast of Somalia, or for which there are reasonable grounds for suspecting such use;

13. *Highlights* the importance of coordination among States and international organizations in order to deter acts of piracy and armed robbery at sea off the coast of Somalia, commends the work of the CGPCS to facilitate such coordination in cooperation with IMO, flag States, and Somali authorities, and urges continued support of these efforts;

14. *Encourages* Member States to continue to cooperate with Somali authorities in the fight against piracy and armed robbery at sea, notes the primary role of Somali authorities in the fight against piracy and armed robbery at sea off the coast of Somalia, and *decides* that, for a further period of twelve months from the date of this resolution to renew the authorizations as set out in paragraph 14 of resolution 2246 (2015) granted to States and regional organizations cooperating with Somali authorities in the fight against piracy and armed robbery at sea off the coast of Somalia, for which advance notification has been provided by Somali authorities to the Secretary-General;

15. *Affirms* that the authorizations renewed in this resolution apply only with respect to the situation in Somalia and shall not affect the rights, obligations, or responsibilities of Member States under international law, including any rights or obligations under The Convention, with respect to any other situation, and underscores in particular that this resolution shall not be considered as establishing customary international law; and affirms further that such authorizations have been renewed based on the receipt of the 24 October 2016 letter conveying the consent of Somali authorities;

16. *Decides* that the arms embargo on Somalia imposed by paragraph 5 of resolution 733 (1992) and further elaborated upon by paragraphs 1 and 2 of resolution 1425 (2002) and modified by paragraphs 33 to 38 of resolution 2093 does not apply to supplies of weapons and military equipment or the provision of assistance destined for the sole use of Member States, international, regional, and subregional organizations undertaking measures in accordance with paragraph 14 above;

17. *Requests* that cooperating States take appropriate steps to ensure that the activities they undertake pursuant to the authorizations in paragraph 14 do not have the practical effect of denying or impairing the right of innocent passage to the ships of any third State;

18. *Calls upon* all States, and in particular flag, port, and coastal States, States of the nationality of victims and perpetrators of piracy and armed robbery, and other States with relevant jurisdiction under international law and national legislation, to cooperate in determining jurisdiction and in the investigation and prosecution of all persons responsible for acts of piracy and armed robbery off the coast of Somalia, including key figures of criminal networks involved in piracy who plan, organize, facilitate, or illicitly finance or profit from such attack, consistent with applicable international law including international human rights law, to ensure that all pirates handed over to judicial authorities are subject to a judicial process, and to render assistance by, among other actions, providing disposition and logistics assistance with respect to persons under their jurisdiction and control, such as victims, witnesses, and persons detained as a result of operations conducted under this resolution;

19. *Calls upon* all States to criminalize piracy under their domestic law and to favourably consider the prosecution of suspected, and imprisonment of those convicted, pirates apprehended off the coast of Somalia, and their facilitators and financiers ashore, consistent with applicable international law, including international human rights law, and decides to keep these matters under review, including, as appropriate, the establishment of specialized anti-piracy courts in Somalia with substantial international participation and/or support as set forth in resolution 2015 (2011), and encourages the CGPCS to continue its discussions in this regard;

20. *Welcomes*, in this context, the UNODC Maritime Crime Programme's continued work with authorities in Somalia and in neighbouring States to ensure that individuals suspected of piracy are prosecuted and those convicted are imprisoned in a manner consistent with international law, including international human rights law;

21. *Encourages* the Federal Government of Somalia to accede to the United Nations Convention against Transnational Organized Crime, as part of its efforts to target money-laundering and financial support structures on which piracy networks survive;

22. *Urges* all States to take appropriate actions under their existing domestic law to prevent the illicit financing of acts of piracy and the laundering of its proceeds;

23. *Urges* States, in cooperation with INTERPOL and Europol, to further investigate international criminal networks involved in piracy off the coast of Somalia, including those responsible for illicit financing and facilitation;

24. *Urges* all States to ensure that counter-piracy activities, particularly land-based activities, take into consideration the need to protect women and children from exploitation, including sexual exploitation;

25. *Urges* all States to share information with INTERPOL for use in the global piracy database, through appropriate channels;

26. *Commends* the contributions of the Trust Fund and the IMO-funded Djibouti Code of Conduct and urges both State and non-State actors affected by piracy, most notably the international shipping community, to contribute to them;

27. *Urges* States parties to The Convention and the SUA Convention to implement fully their relevant obligations under these conventions and customary international law and to cooperate with the UNODC, IMO, and other States and international organizations to build judicial capacity for the successful prosecution of persons suspected of piracy and armed robbery at sea off the coast of Somalia;

28. *Acknowledges* the recommendations and guidance provided by IMO on preventing and suppressing piracy and armed robbery at sea; and urges States, in collaboration with the shipping and insurance industries and IMO, to continue to develop and implement avoidance, evasion, and defensive best practices and advisories to take when under attack or when sailing in the waters off the coast of Somalia, and further urges States to make their citizens and vessels available for forensic investigation as appropriate at the first suitable port of call immediately following an act or attempted act of piracy or armed robbery at sea or release from captivity;

29. *Encourages* flag States and port States to further consider the development of safety and security measures on board vessels, including, where applicable, developing regulations for the use of PCASP on board ships, aimed at preventing and suppressing piracy off the coast of Somalia, through a consultative process, including through IMO and ISO;

30. *Invites* IMO to continue its contributions to the prevention and suppression of acts of piracy and armed robbery against ships, in coordination, in particular, with UNODC, the World Food Programme (WFP), the shipping industry, and all other parties concerned, and recognizes IMO's role concerning privately contracted armed security personnel on board ships in high-risk areas;

31. *Notes* the importance of securing the safe delivery of WFP assistance by sea, and welcomes the ongoing work by WFP, EUNAVFOR Operation Atalanta, and flag States with regard to Vessel Protection Detachments on WFP vessels;

32. *Requests* States and regional organizations cooperating with Somali authorities to inform the Security Council and the Secretary-General in nine months of the progress of actions undertaken in the exercise of the authorizations provided in paragraph 14 above and further requests all States contributing through the CGPCS to the fight against piracy off the coast of Somalia, including Somalia and other States in the region, to report by the same deadline on their efforts to establish jurisdiction and cooperation in the investigation and prosecution of piracy;

33. *Requests* the Secretary-General to report to the Security Council within eleven months of the adoption of this resolution on the implementation of this resolution and on the situation with respect to piracy and armed robbery at sea off the coast of Somalia;

34. *Expresses its intention* to review the situation and consider, as appropriate, renewing the authorizations provided in paragraph 14 above for additional periods upon the request of Somali authority;

35. *Decides* to remain seized of the matter.

United Nations S/2016/940

# Security Council

Distr.: General
10 November 2016
English
Original: Russian

**Letter dated 8 November 2016 from the Chargé d'affaires a.i. of the Permanent Mission of the Russian Federation to the United Nations addressed to the Secretary-General**

I have the honour to transmit herewith information bulletins from the Russian Centre for Reconciliation of Opposing Sides in the Syrian Arab Republic for 4-7 November 2016 (see annex).

I should be grateful if you would arrange for these bulletins to be circulated as a document of the Security Council.

(*Signed*) P. **Ilichev**
Chargé d'affaires a.i.

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## Annex to the letter dated 8 November 2016 from the Chargé d'affaires a.i. of the Permanent Mission of the Russian Federation to the United Nations addressed to the Secretary-General

## Information bulletin of the Russian Centre for Reconciliation of Opposing Sides in the Syrian Arab Republic (4 November 2016)

### Reconciliation of opposing sides

Over the past 24 hours, reconciliation agreements have been signed with representatives of four populated areas in Ladhiqiyah governorate.

The number of populated areas that have joined the reconciliation process has increased to 888.

Negotiations on joining the ceasefire regime continued with field commanders of illegal armed groups in Mu'addamiyat al-Shaykh in Damascus governorate and armed opposition units in Homs, Aleppo and Qunaytirah governorates.

The number of armed groups that have announced their commitment to accepting and fulfilling the terms of the ceasefire is unchanged — it is still 69.

### Observance of the ceasefire regime

Over the past 24 hours, there were 43 reports of shelling by illegal armed groups in Aleppo governorate (22), Damascus governorate (18), Ladhiqiyah governorate (2), and Hama governorate (1).

Armed groups that had announced a cessation of hostilities used improvised multiple-launch rocket systems, mortars and small arms to fire on Harasta, Jawbar, Baliyah and the area at elevation point 612 in Damascus governorate; the Salah al-Din, Mashariqah and Antari neighbourhoods in Aleppo city; and Ayn Salim and government troop positions on Abu Ali mountain in Ladhiqiyah governorate.

Armed units of terrorist groups using improvised multiple-launch rocket systems, tube artillery, mortars and small arms fired on Ansar in Aleppo governorate and also on the 3000, 1070, Maydan, Ramusah and Jam'iyat al-Zahra' neighbourhoods, the Assad Military Academy, the Castello trade centre, checkpoint No. 1 on the Castello road and the area near the former military school in Aleppo city.

In Damascus governorate, the following were shelled: Ibn al-Walid Hospital and the Wafidin camp in Duma, a sports ground and a power plant in Jawbar, and also Harasta, Hawsh Nasri and Qabun.

In Hama governorate, terrorists shelled the populated area of Muhradah.

The Russian and Syrian air forces did not carry out any strikes against opposition armed groups which had announced that they would cease hostilities and had informed the Russian or American reconciliation centres of their location.

**Provision of humanitarian aid to the population of the Syrian Arab Republic**

Five humanitarian operations were carried out, during which the following humanitarian cargoes were delivered to civilians:

2.5 tons to the district of Muhafazah in Aleppo city for refugee students studying at the university;

Approximately 800 kg to the city of Suwayda';

Approximately 4.37 tons to Ghassaniyah in Homs governorate;

Approximately 4.75 tons to Safitah in Tartus governorate;

Approximately 4.75 tons to Brummanet al-Mashayikh in Tartus governorate.

Centres providing hot meals and supplying urgent necessities are continuing to operate for civilians who leave districts of Aleppo city that are under the control of illegal armed groups.

## Information bulletin of the Russian Centre for Reconciliation of Opposing Sides in the Syrian Arab Republic (5 November 2016)

### Reconciliation of opposing sides

Over the past 24 hours, reconciliation agreements have been signed with representatives of five populated areas in Ladhiqiyah governorate (4) and Homs governorate (1).

The number of populated areas that have joined the reconciliation process has increased to 893.

Negotiations on joining the ceasefire regime continued with field commanders of illegal armed groups in Mu'addamiyat al-Shaykh in Damascus governorate and armed opposition units in Homs, Aleppo and Qunaytirah governorates.

The number of armed groups that have announced their commitment to accepting and fulfilling the terms of the ceasefire is unchanged — it is still 69.

### Observance of the ceasefire regime

Over the past 24 hours, there were 39 reports of shelling by illegal armed groups in Damascus governorate (16), Aleppo governorate (16), Ladhiqiyah governorate (3), Dar'a governorate (2), Hama governorate (1) and Qunaytirah governorate (1).

Armed groups that had announced a cessation of hostilities used improvised multiple-launch rocket systems, mortars and small arms to fire on the Antari neighbourhood of Aleppo city and on Baliyah, Harasta, Jawbar, Duma and the area at elevation point 612 in Damascus governorate. A strike was carried out on Rasha in Ladhiqiyah governorate using an unmanned aerial vehicle with an explosive device on board.

Armed groups using improvised multiple-launch rocket systems, tube artillery, mortars and small arms fired on Hadir and Ansar in Aleppo governorate and also on the Maydan, 3000 (twice), Antari and 1070 neighbourhoods, the Assad Military Academy (four times), checkpoint No. 1 on the Castello road (three times) and the area near the former military school in Aleppo city.

In Damascus governorate, the following were shelled: Harasta, Hawsh Nasri and Qassa', a power plant and a sports ground in Jawbar (twice), Ibn al-Walid Hospital in Duma and the Wafidin camp near Duma (twice).

Terrorists also shelled Izra' in Dar'a governorate (twice); Ayn Salim and the area near Abu Ali mountain in Ladhiqiyah governorate; Jabha in Qunaytirah governorate; and Mu'ardis in Hama governorate.

The Russian and Syrian air forces did not carry out any strikes against opposition armed groups which had announced that they would cease hostilities and had informed the Russian or American reconciliation centres of their location.

**Provision of humanitarian aid to the population of the Syrian Arab Republic**

Over the past 24 hours, one humanitarian operation was carried out, during which a humanitarian cargo of approximately 2 tons in total was delivered to Bahluliyah in Ladhiqiyah governorate.

Centres providing hot meals and supplying urgent necessities are continuing to operate for civilians who leave districts of Aleppo city that are under the control of illegal armed groups.

## Information bulletin of the Russian Centre for Reconciliation of Opposing Sides in the Syrian Arab Republic (6 November 2016)

### Reconciliation of opposing sides

Over the past 24 hours, reconciliation agreements have been signed with representatives of two populated areas in Ladhiqiyah governorate.

The number of populated areas that have joined the reconciliation process has increased to 895.

Negotiations on joining the ceasefire regime continued with field commanders of illegal armed groups in Mu'addamiyat al-Sham in Damascus governorate and armed opposition units in Homs, Hama, Aleppo and Qunaytirah governorates.

The number of armed groups that have announced their commitment to accepting and fulfilling the terms of the ceasefire is unchanged — it is still 69.

### Observance of the ceasefire regime

Over the past 24 hours, there were 37 reports of shelling by illegal armed groups in Damascus governorate (16), Aleppo governorate (15), Qunaytirah governorate (2), Dar'a governorate (2), Ladhiqiyah governorate (1) and Hama governorate (1).

Armed groups that had announced a cessation of hostilities used improvised multiple-launch rocket systems, mortars and small arms to fire on the Mashariqah neighbourhood of Aleppo city, on Baliyah, Harasta, Jawbar and the area at elevation point 612 in Damascus governorate, and also on Abu Ali mountain in Ladhiqiyah governorate.

Armed units of terrorist groups using improvised multiple-launch rocket systems, tube artillery, mortars and small arms fired on the Zahra', 1070 (twice), Sulayman al-Halabi, Binyamin, 3000 and Ansari neighbourhoods, the Assad Military Academy (three times), the Castello trade centre, the Aleppo citadel and the area near the former military school in Aleppo city.

In Damascus governorate, the following were shelled: Hawsh Nasri, Harasta (twice), Arbil (twice), Ibn al-Walid Hospital (twice), a sports ground in Jawbar (twice), Tall Kawkab mountain (twice) and the Wafidin camp.

Terrorists shelled Izra' and Uthman in Dar'a governorate, Jabha and Qarfa in Qunaytirah governorate; and Mu'ardis in Hama governorate.

The Russian and Syrian air forces did not carry out any strikes against opposition armed groups which had announced that they would cease hostilities and had informed the Russian or American reconciliation centres of their location.

### Provision of humanitarian aid to the population of the Syrian Arab Republic

Over the past 24 hours, one humanitarian operation was carried out at Assad University Hospital, during which approximately 200 kg of humanitarian cargo was delivered.

Centres providing hot meals and supplying urgent necessities are continuing to operate for civilians who leave districts of Aleppo city that are under the control of illegal armed groups.

## Information bulletin of the Russian Centre for Reconciliation of Opposing Sides in the Syrian Arab Republic (7 November 2016)

### Reconciliation of opposing sides

Over the past 24 hours, reconciliation agreements have been signed with representatives of nine populated areas in Ladhiqiyah governorate (5), Hama governorate (2) and Homs governorate (2).

The number of populated areas that have joined the reconciliation process has increased to 904.

Negotiations on joining the ceasefire regime continued with field commanders of illegal armed groups in Mu'addamiyat al-Sham in Damascus governorate and armed opposition units in Homs, Aleppo and Qunaytirah governorates.

The number of armed groups that have announced their commitment to accepting and fulfilling the terms of the ceasefire is unchanged — it is still 69.

### Observance of the ceasefire regime

Over the past 24 hours, there were 38 reports of shelling by illegal armed groups in Aleppo governorate (18), Damascus governorate (15), Ladhiqiyah governorate (2), Hama governorate (2) and Homs governorate (1).

Armed groups that had announced a cessation of hostilities used improvised multiple-launch rocket systems, mortars and small arms to fire on Azizi in Aleppo governorate and the Antari neighbourhood in Aleppo city; Harasta, Jawbar, Baliyah, Tishrin Hospital and the area at elevation point 612 in Damascus governorate; and Ayn Salim and government troop positions on Abu Ali mountain in Ladhiqiyah governorate.

Armed units of terrorist groups using improvised multiple-launch rocket systems, tube artillery, mortars and small arms fired on the 3000, 1070, Maydan, Ramusah, Aryan, Zahra', Binyamin and Mashariqah neighbourhoods, the Assad Military Academy, the Castello trade centre and the area near the former military school in Aleppo city.

In Damascus governorate, terrorists shelled a sports ground in Jawbar, the Wafidin camp near Duma, and also Irbin, Hawsh Nasri and Baytima.

Terrorists shelled Muhradah and the nearby thermal power plant in Hama governorate and the city of Homs in Homs governorate.

The Russian and Syrian air forces did not carry out any strikes against opposition armed groups which had announced that they would cease hostilities and had informed the Russian or American reconciliation centres of their location.

### Provision of humanitarian aid to the population of the Syrian Arab Republic

Over the past 24 hours, one humanitarian operation was carried out, during which approximately 1 ton of humanitarian cargo (720 packets of bread) was delivered to the district of Shari' Faysal in Aleppo city.

Centres providing hot meals and supplying urgent necessities are continuing to operate for civilians who leave districts of Aleppo city that are under the control of illegal armed groups.

United Nations S/2016/941

Security Council

Distr.: General
11 November 2016

Original: English

**Identical letters dated 7 November 2016 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council**

Upon instruction from my Government, I would like to draw to your kind attention the statement issued and distributed in the eastern part of Aleppo city on 23 October 2016 by the so-called "Supreme Military Council" of the terrorist organization Army of Conquest, disguised under the name of Nusrah Front (see annex).

In its statement, the terrorist organization announced that it would allow civilians under 14 years of age and above 55 years of age to leave the areas that it controls in the eastern part of Aleppo under the extortionate condition of paying 150,000 Syrian pounds per individual, as a "contribution to jihad", thus preventing those civilians from leaving through the six safe passages established by the Syrian and Russian armies, and taking them as human shields.

The posted statement proves again and without a doubt the fact that Army of Conquest is in full control of the eastern part of Aleppo and that all other terrorist groups that are promoted by certain States and parties as "moderate armed opposition groups" are under its leadership or control.

It is well known that the major component of Army of Conquest is terrorist leaders and fighters of Nusrah Front, who are controlling this and other terrorist groups in Aleppo, according to a clear statement made by Abu Mohammed al-Jawlani (QDi.317), the terrorist leader of Nusrah Front (see the interview of 28 May 2015 with the Qatari television channel Al-Jazeera).

The Government of the Syrian Arab Republic calls once again upon the Security Council to genuinely uphold its responsibility to combat terrorism, particularly through compelling certain Governments, including some that are members of the Security Council, to implement its relevant resolutions, namely resolutions 2170 (2014), 2178 (2014), 2199 (2015) and 2253 (2015), and to distance itself from double standards while implementing those same resolutions.

It is no longer acceptable that those Governments should persist in using terrorism as a tool to implement their political agendas by providing all means of support to the terrorist groups in the Syrian Arab Republic, providing them with a political and media umbrella, persisting in denying that those terrorist groups are

affiliated to Nusrah Front, as well as part of it, and presenting them as "moderate armed opposition groups" or "non-State armed groups".

Fighting terrorism seriously and effectively requires actual cooperation and coordination with the Syrian Government and its allies on the ground. Otherwise, defeating this international dangerous trend will very soon become an elusive goal.

It would be highly appreciated if the present letter and its annex were circulated as a document of the Security Council.

(*Signed*) Bashar **Ja'afari**
Ambassador
Permanent Representative

**Annex to the identical letters dated 7 November 2016 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council**

بيان لأهلنا الصابرين في حلب

الحمد لله الذي نصر عباده بصبرهم وذل أعداء الإسلام بتقواهم والصلاة والسلام على سيدنا ونبينا محمد وعلى آله وصحبه إلى يوم الدين

وبعد

في لحظة حين تضع نفسك بثيابنا حجم المعاناة التي يكابدها أهلنا الصابرون في حلب جراء التصعيد والحصار الذي يفرضه النظام وبعض بعد التشاور مع الأخوة المجاهدين في بقية الفصائل أنها ستسمح بخروج المدنيين ممن هم دون سن الرابعة عشرة وفوق سن الخامسة والخمسين من المناطق المحاصرة تحت سيطرتها على أن يتعهد كل من يود الخروج بمبلغ مئة وخمسين ألف ليرة لدعم أخوتهم على جبهات القتال

والله يكتب لكم نصرا من الله وفتح عظيم فارجعوا إلى جنة عرضها السموات والأرض وجاهدوا إن لم يكن بأنفسكم فبأموالكم تكونوا بها طاعة الله ورحمته وبشر الصابرين

المجلس العسكري الأعلى لجيش الفتح

*Translation*

**Statement to our patient people in Aleppo**

Praise be to God, whose succour exalts His servants and whose power lays low the enemies of Islam. May praise and peace be upon our master and prophet Muhammad and his family and companions until the day of judgement.

The High Command of the Army of Conquest is fully aware of the scale of the suffering endured by our patient people in Aleppo, who are being bombarded and besieged by the regime. After consulting with fellow mujahidin in other factions, it hereby announces that it will allow civilians under the age of 14 and over the age of 55 to leave the areas under its control, provided that those who wish to leave perform an act of jihad by giving 150,000 Syrian pounds to support their brethren who are performing jihad by taking up arms.

Through God's permission, we promise you succour from God and a great victory. Strive for a paradise more vast than the heavens and the earth. Wage jihad, if not with your selves, then with your funds, that you may obey God and gain His paradise. Give thou good tidings unto those who are patient.

Supreme Military Council of the Army of Conquest

United Nations S/2016/942

Security Council

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9 November 2016

Original: English

**Identical letters dated 8 November 2016 from the Permanent Representative of the Syrian Arab Republic to the United Nations addressed to the Secretary-General and the President of the Security Council**

Upon instruction from my Government, I would like to draw your kind attention to the following important information:

During the last week of October 2016, armed terrorist groups bombed residential neighbourhoods and civilians in the city of Aleppo with hundreds of Katyusha and Grad rockets, resulting in the deaths of 99 civilians and wounding more than 500 others, until yesterday, 7 November 2016.

In this context, the broadcast media organ of the terrorist organization Jaish al-Fatah — Army of Conquest, the disguised name of the Nusrah Front, broadcasted an interview with the Saudi terrorist Abdullah al-Mhaisni, the forensic *mufti* (clerk) of this terrorist organization, who conducted this interview at the time and place from where the rockets were launched on civilians in the city of Aleppo.

In this interview, al-Mhaisni praised some of the donors who "financed the purchase of these 100 rockets and other hundreds which will arrive later" and who are nationals of some Gulf countries, including Abu Mohammad from Al-Qassim Region and the "Group of Islam Brothers" from Saudi Arabia, Abu-Eljud from Qatar and Abu-Ahmad from Kuwait. He clearly stated that these people and group had paid the money to buy these rockets. He also praised Turkey and said that the descendants of the Ottomans were the leading supporters of the Syrians and their jihad.

At the same time, the Saudi terrorist Abdullah al-Mhaisni blamed the Syrian men and youths for their failure in jihad by "staying at home, while hundreds of fighters from all around the world are fighting in Syria for them".

This broadcast is still available on YouTube at the following link: https://www.youtube.com/watch?v=PlYMuxLaDJU.

Based on the previous information and facts, I would like to conclude the following:

- Despite the numerous resolutions of the Security Council related to the fight against terrorism, and to stop the infiltration of terrorist foreign fighters into Syria and to cut off funding and ban the supply of arms to these terrorists,



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some well-known Governments, which the terrorist al-Mhaisni talked about by name, still support terrorism and fund and facilitate the passage of terrorist foreign fighters into Syria or condone the illegitimate activities of their own citizens and so-called "charitable institutions and organizations", which are financing the purchase of lethal rockets to kill civilians in Syria, under the pretext of humanitarian activities.

- The delivery of these lethal rockets to the terrorist armed groups in Syria underlines the lack of will of these Governments and other Governments, some of which are members of the Security Council, in the fight against terrorism. It also reflects the fact that these Governments will continue in their reckless policies, which are based on the use of terrorism as a political tool to achieve the goal of undermining the State in Syria and sabotaging its infrastructure, whatever the heavy price is and whatever the number of civilian victims is.

- The Saudi terrorist Abdullah al-Mhaisni admitted publicly that most of the fighters on the Syrian territory are foreigners and he even blamed Syrians for their failure in jihad. This confirms again the fact, of which the Syrian Government has kept informing the Security Council, and which is perceived by the world public opinion, that Syria is suffering a global terrorist war in which these well-known Governments are involved through funding and fuelling until today.

- It has become a critical time for the Security Council to transparently and impartially uphold its responsibilities, away from double standards, and to recognize that bogus terms like "moderate armed opposition", "non-State armed groups" or "jihadists" will not repeal the crucial fact that all these fighters are just terrorists who adopt the same extremist ideology based on hatred, murder and destruction.

It would be highly appreciated if the present letter could be circulated as a document of the Security Council.

(*Signed*) Bashar **Ja'afari**
Ambassador
Permanent Representative